

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO. 204 OF 2010

R.V. Bhuskute & Anr.	.. Petitioners
V/s	
State of Maharashtra & Anr.	.. Respondents

WITH
CONTEMPT PETITION NO. 407 OF 2015

Naresh Gangaram Gosavi	.. Petitioner
V/s	
Vikas Kharge	.. Respondent

Mr. Kartikeya Bahadur i/b Kranti L.C. for the petitioners.
Mr. P.P. Kakade, AGP for the State.
Ms. Pournima Awasthi i/b Mr. Pankaj Kapoor for respondent no.2.

**CORAM: DR. MANJULA CHELLUR, CJ. &
G.S. KULKARNI, J.**

DATE : 4th MAY 2017

P.C.:

On perusal of the entire record, it is noticed that the contention of the petitioners before this Court is, in spite of entitlement for regularisation of certain area falling under the category of Gairan land, the respondent Authorities are giving a deaf ear and not taking any suitable action. What we notice is, they are seeking of regularisation of unauthorised occupation and/or encroachment.

2. The petitioners in the nature of pro bono are before us espousing the cause of the community concerned. We fail to understand whether any individual falling within the category of persons whose application could positively be considered for regularisation ever approached and, if approached, what application was presented and whether it was disposed of or not. Each application has to be considered depending upon the facts and circumstances whether the applicant is eligible for such regularisation. Therefore, there cannot be a blanket direction to the respondent Authorities to regularise the Gairan land as sought in the public interest litigation. We have not expressed any opinion with regard to the eligibility of any person. The State has sufficient machinery as well as mechanism to look into the matter.

3. In that view of the matter, if really there are bonafide, they cannot keep the matter pending for years to come. We direct the petitioners to assist all those applicants, whom they think are entitled for regularisation, to make representation to the concerned Authority so that the Authority can consider the applications individually and take final call strictly in accordance with the procedure contemplated. If any such application is submitted, the same has to be disposed of within a period of 3 months from the date of submission.

4. It is needless to say that if the investigation or inquiry carried out by the petitioners in each district is of any help to the applicant, the report may be attached as a supporting or substantiating document. It is also made clear that such investigation report cannot have any sanctity and it will only be a prima facie material to consider and the department concerned is at liberty to verify the same and take its own decision on case to case basis.

5. With the above observations, the PIL is disposed of. In view of disposal of the PIL, the Contempt Petition is also disposed of.

(G.S. KULKARNI, J.)

CHIEF JUSTICE