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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3740 OF 2017

Late Bhikuk Rama Hazare

... Petitioners

Versus

The State of Maharashtra and Ors.

... Respondents

Mr. Y.S. Gharat for the petitioners.

Mr. V.P. Malvankar, AGP For the respondent State.

CORAM : SHANTANU KEMKAR &

M.S. SONAK, JJ.

DATED : JULY 06, 2017.

P.C.

Not on board. Taken on production board in view of the urgency.

2. By consent of the parties, heard finally.

3. By this petition, the petitioner has challenged the order dated 22.11.2016 passed by the Desk Officer, State Government, Revenue and Forest Department. We find that the said order was in consideration before the Division Bench of this Court in PIL No. 86 of 2016. The Division Bench on 2.12.2016 after considering the said impugned order and the affidavits filed on behalf of the State had observed in paragraphs 3 and 4 as under :

“3. Learned counsel for the petitioner submits that

in terms of the statements made in the affidavit-in-reply, it is clear that the authorities concerned have taken steps not only to terminate the lease but also to remove the unauthorized structures on the land. We are not going into the rights of those lessees who in law are entitled to challenge the termination of lease, if any, but the fact remains that the State authorities have taken steps for removal of unauthorized structures since the lease granted expired long back apart from violation of the terms and conditions.

4. It is needless to state that if the leasehold rights conferred over the Dhargar community gives rise to any cause of action for those persons, they are at liberty to seek redressal in accordance with the procedure. One of the observations made herein would come in their way, if they take such action."

4. In the circumstances, it is clear that the petitioner if is covered in paragraph 4 of the said order passed by the Division Bench in the PIL, he is at liberty to seek redressal in accordance with the procedure. In the circumstances, we are not inclined to interfere into the matter at this stage. However, we grant liberty to the petitioner to submit a detailed representation before the Collector, Kolhapur in regard to his grievances. In case the said representation is submitted by the petitioner within four weeks, the same shall be considered and appropriate decision shall be taken by the Collector, Kolhapur keeping in view the grounds raised in the petition and the documents as may be submitted by the petitioner along with the representation. In case the Collector has already taken the decision, appropriate steps in pursuance of

the said decision be taken by the State Government. The interim protection granted by this Court on 5.4.2017 shall continue till final adjudication is done by the competent authority including the State Government.

5. With the aforesaid directions, Petition is disposed of.

(M.S. SONAK, J.)

(SHANTANU KEMKAR, J.)