

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7822 OF 2016

Kusum I. Shaikh

..Petitioner.

vs.

State of Maharashtra & ors.

..Respondents.

Mr.P.M.Arjunwadkar for the Petitioner.

Ms.A.D.Vhatkar, AGP. for the State.

CORAM: A.S.GADKARI, J.

DATE : 11th August, 2017

P.C.

1. By the present petition under Article- 227 of the Constitution of India, the petitioner has questioned legality of order dated 21.3.2016 passed by the Collector, District Palghar thereby rejecting the application of the petitioner for regularization of encroachment carried out by her on Gat No.206 admeasuring about 60-Ares, belonging to the Government.

2. Heard the learned counsel for the petitioner and the learned AGP. Perused the petition, documents annexed thereto and the reply filed by Shri. Gopal Krishna Pashte, Authorized Officer of respondent No.2.

The record indicates that the petitioner on the basis

of Village Form No. 1E allegedly issued by Circle Officer, Safale, District-Palghar contended that she was in possession of the said land since 1966 and the construction carried out thereon be therefore, regularized. Respondent No.2 in his affidavit in reply dated 15.12.2016 has categorically stated that the said document of Village Form No.1E Page-28/(Exhibit- D) annexed to the petition is a forged document, as at the first instance, such form has been issued by the Circle Officer and not by the Talathi and there is no seal/stamp of the concerned authority on the same. Respondent No.2 has rejected the said application for regularization also in pursuance of the directions issued by the Division Bench of this Court by its order dated 14.8.2015 in the case of Bhaskar Bhagwant Dikkar vs. State of Maharashtra reported in 2016(4) LJSOFT 123. By the said judgment this Court has held that the encroachment on Gayran/Gurucharan land cannot be regularized and rather such encroachments are to be removed as directed by the State Govt Resolution dated 12.7.2011.

3. Learned AGP on instructions submitted that,

after the impugned order was passed on 21.3.2016 a fresh Notice dated 4.7.2016 was issued to the petitioner. After receipt of the said notice, Advocate for the petitioner appeared and participated in the said proceedings and in furtherance thereof the illegal structures of the petitioner have already been demolished.

4. As the basic document on the basis of which regularization of encroachment has been claimed itself found to be forged and/or suspicious document, I find that there is no error either in law or in facts in the order dated 21.3.2016 passed by respondent No.2.

5. Petition being devoid of merits is accordingly rejected.

(A.S.GADKARI, J.)