

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 3490 OF 2017

(Ravindra Tukaram Juware & Ors. vs. State of Maharashtra thr. Collector, Gadchiroli & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
ROHIT B. DEO, JJ.
JUNE 08, 2017.**

Heard Shri A.R. Fule, learned counsel for the
petitioners.

2. The petitioners claim to be encroachers on lands which are leased to respondent Nos. 5 to 10. According to the petitioners they are in possession since 1995 and Respondent Nos. 5 to 10 have not taken possession at all, hence, lease in their favour never came into effect.

3. To demonstrate possession, attention is invited to police complaints lodged by Respondent Nos. 5 to 10 against the petitioners. The learned counsel further states that by orders in revision proceedings under Section 145 of the Criminal Procedure Code, the Sessions Court has protected the possession of the petitioners.

4. Shri A.S. Fulzele, learned Acting GP has pointed out that notice impugned is only a notice for measurement.

The measurement is scheduled on 12.06.2017.

5. In this situation, we fail to understand how by measurement only, the petitioners are prejudiced. Hence, as we do not see any cause of action presently in favour of the petitioners, we are not inclined to intervene in extra ordinary jurisdiction. Keeping all rival contentions open, we dispose of the present writ petition. However, there shall be no order as to costs.

JUDGE

JUDGE

*GS.