

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

WRIT PETITION NO. 3532/2017.

Smt. Kesharbai Sukhdave Ardale, Buldhana and others.

-VERSUS-

The State of Maharashtra and others.

WRIT PETITION NO. 4438/2017.

Sau. Lata Ramesh Tayade, Shegaon and others.

-VERSUS-

State of Maharashtra and others.

WRIT PETITION NO. 4439/2017.

Pramod Vasantao Ganesh and others.

-VERSUS-

State of Maharashtra and others.

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 &
ARUN D. UPADHYE, JJ.

DATE : SEPTEMBER 13, 2017.

Heard Shri S.P. Bhandarkar, learned
counsel for petitioners, Shri D.P. Thakare, learned
Addl. G.P. for respondent State and Shri D.M. Kale,
learned counsel for respondent no.5-Municipal
Council.

2. These petitioners claim that they are not
encroachers and either have ownership rights or then
some legal right to occupy the land on which they have
constructed either residential houses or shop blocks or

2

then houses with shop blocks.

3. It is not in dispute that in Writ Petition No. 3532/2017, petitioners are from an area where residence and shops both are located. The area in remaining two petitions is known as Matangwadi and it is purely a residential one.

4. Orders of this Court in Public Interest Litigation/Writ Petition No. 5856/2007, directed removal of encroachments and expected use of that area for further development of Shegaon Town, as per the development plan.

5. Respondent Collector in Writ Petition No. 3532/2017, has as per directions dated 07.08.2017, verified claims of 25 petitioners therein and found that petitioner nos. 1 to 4 are occupying the private land and therefore are not encrochers. In case of other petitioners, it is found that they are occupying encroached property or then have purchased construction on the encroached property.

6. The Collector has also found that these occupants have not been allotted either shop or residential house towards the property of which possession is to be taken for development.

7. Claims of petitioners in Matangwadi area

3

are still not looked into by the Collector.

8. We therefore, find it in the interest of justice to direct the Collector, Buldhana to verify their claims also on same lines.

9. The petitioners in all three matters agree and undertake to cooperate in development and to shift to the alternate accommodation provided to them. Alternate accommodation to be provided to respective petitioners in Matangwadi area, is already available and after verification of claims, eligible petitioners must shift to the alternate accommodation.

10. In so far as the Khalwadi area is concerned, about 28 shops are already constructed and eligible occupants can get it on ownership basis.

11. Claims of petitioners in Writ Petition No. 3532/2017 are already verified and therefore, we direct petitioners therein to proceed to claim allotment of respective shop blocks as per their entitlement.

12. The 4 petitioners in Writ Petition No. 3532/2017, who are found to be owners and having shop as also residence, shall clarify to respondent Collector whether they need only residential accommodation or then a mixed accommodation.

13. Shri Patil, learned counsel appearing for

4

the Sansthan, has pointed out that the Sansthan has already parted with land and funds. If on land made available by the Sansthan, appropriate alternate accommodation can be constructed for these persons, offer shall be given by them to the respondent Collector accordingly. If their grievance is not redressed, they are permitted to approach this Court again in the matter.

14. With these directions we dispose of Writ Petition No.3532/2017.

15. The exercise of verification in Writ Petition Nos. 4438 and 4439 of 2017 shall be completed as per directions in earlier order dated 07.08.2017 within a period of two weeks. List these Writ Petitions after two weeks.

JUDGE

JUDGE

Rgd.