

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

PUBLIC INTEREST LITIGATION NO.89 OF 2013

(Kal Ke Liye, Main Line, Amravati ..vs.. The Collector, Amravati and others)

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

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI AND
ROHIT B. DEO, JJ.**

DATED : 12-07-2017

Heard Advocate Shri P.D. Meghe for the petitioner society and Assistant Government Pleader Smt. Kalyani Deshpande for the respondents.

The petitioner society has not pointed out individual details of its members and, therefore, their status either as encroachers is also not pointed out. There is no plea of any lease or other similar grant in their favour.

According to learned Assistant Government Pleader, all the encroachments are already removed and concerned Talathi has submitted a report on these lines. Advocate Shri P.D. Meghe disputes it. He points out that after the said report of Talathi, notices for removal of encroachment have been issued and copies are placed before this Court by the petitioner alongwith the affidavit.

We do not see any disputed question of fact at this stage. The law on the point is laid down by the Hon'ble Apex Court in the case of ***Jagpal Singh & Ors. Vs. State of Punjab & Ors*** reported at ***AIR 2011 SC 1123***. It is apparent that no encroachment on Gairan land can be regularised and similarly no lease or other right upon such land can be allowed.

However, status of persons named by petitioner or then nature of land held by them needs to be ascertained after granting them opportunity.

We direct the petitioner to see that all those persons named in Annexure-II with writ petition remain present before the Collector, Amravati on 16-08-2017. The Collector shall then proceed to hear them as per law and pass suitable order keeping in mind the judgment of the Hon'ble Apex Court including the policy decision, if any.

With these directions, we dispose of the public interest litigation. No costs.

JUDGE

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