

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

C.A.O.NO. 1375/2017 IN P.I.L. NO. 72/2016.

Nagesh @ Nagorao Madhavrao Shinde and another.

-VERSUS-

The 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 29, 2017.

Heard Shri S.D. Malke, learned counsel for the applicants, Shri N.B. Kalwaghe, learned counsel for original petitioners, Shri A.M. Balpande, learned A.G.P. for respondent nos. 1 to 4, Shri H.r. Gadhia, learned Counsel for respondent nos. 5 and 6 and Shri N.S. Warulkar, learned counsel for intervenors, for some time.

2. Applicants are encroachers who have been asked to be cleared. Extent of their encroachment for agricultural purpose is 9.83 hectares i.e. 9,83,000 sq. ft., roughly about 24 Acres.

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3. In this situation, it is apparent that there is no assessment and hence, we cannot ask the State Government to work out land revenue upon it. However, we direct applicants to deposit total amount of Rs. 5,000/- with the office of respondent no.3 Tahsildar within a period of one week from today.

4. We also permit them to participate in the public auction and to bid for the property being offered in public auction.

5. The auction is to be conducted by respondent nos. 5 and 6 i.e. Gram Panchayat. We direct said respondents to hold such auction within a period of one week from today and to permit the applicants to participate, if they have deposited the above referred amount of Rs. 5,000/-.

6. Needless to mention that the applicants will be permitted to participate in the process, only if they comply with the terms and conditions of the auction notice.

7. The applicants shall also while depositing the amount of Rs. 5000/- with the office of Tahsildar, give an undertaking to said office and to the office of Gram Panchayat, that they shall not re-encroach upon the subject land.

Order

2909caw1375.17

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8. Civil Application is accordingly disposed
of. No costs.

JUDGE

JUDGE

Rgd.