

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

929 WRIT PETITION NO. 4871 OF 2016

RENUKA BAHUDESHEIYA SEVA BHAVI SANSTHA, THROUGH
ITS SECRETARY – DR.B.A.HAKALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr.Milind K.Deshpande
AGP for Respondent Nos.1 to 4 : Mr.C.S.Kulkarni

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**CORAM : R.M.BORDE AND
K.K.SONAWANE, JJ.**

DATE: 20th March, 2018

PER COURT:-

1) The petitioner is praying for issuance of directions to the respondents to allot Government land - Gut No.637 to the extent of 2 hectares situate at Kolgaon, Tq.Georai, Dist.Beed, to the petitioner. The petitioner contends that the aforesaid land is required for development of Pilgrimage Center class-C. It is further contended that a decision has been taken by the District Planning Committee to allot Government land to the petitioner.

2) The request made by the petitioner has been turned down by the Tahsildar by order dated 27.11.2015, referring to the Judgment delivered by the Supreme Court in the matter of **Jagpal Singh & Ors. Vs. State of Punjab & Ors. [2011 AIR (SC) 1123]**. The Supreme Court in the aforesaid Judgment in paragraph No.22 has observed thus:-

" 22. Before parting with this case we give directions to all the State Governments in the country that they should prepare schemes for eviction of illegal/unauthorized occupants of Gram Sabha/Gram Panchayat/Poramboke/Shamlat land and these must be restored to the Gram Sabha/Gram Panchayat for the common use of villagers of the village. For this purpose the Chief Secretaries of all State Governments/ Union Territories in India are directed to do the needful, taking the help of other senior officers of the Governments. The said scheme should provide for the speedy eviction of such illegal occupant, after giving him a show cause notice and a brief hearing. Long duration of such illegal

occupation or huge expenditure in making constructions thereon or political connections must not be treated as a justification for condoning this illegal act or for regularizing the illegal possession. Regularization should only be permitted in exceptional cases e.g. where lease has been granted under some Government notification to landless labourers or members of Scheduled Castes/Scheduled Tribes, or where there is already a school, dispensary or other public utility on the land."

3) In pursuance to the decision of the Supreme Court, the State Government has framed a policy on 12.7.2011, and it has been decided that henceforth, the lands belonging to village community shall be allotted only for the purpose of public utility and for public purpose only in the event alternative lands are not available for the said purpose. It is further resolved that such lands belonging to village community shall not be allotted to individuals, private institutions or organizations for any purpose.

4) In view of the Government Resolution issued by the State Government referred to above in pursuance to the decision of the Supreme Court in ***Jagpal Singh & Ors.*** (supra), the decision taken by the Tahsildar, which is impugned in the petition does not deserve to be quashed or set aside.

5) The petition is devoid of merits, hence stands rejected.

(K.K.SONAWANE)
JUDGE

(R.M.BORDE)
JUDGE