

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

PUBLIC INTEREST LITIGATION NO.29 OF 2014

Ramesh s/o Nago Shelar,
Age : 59 years, Occu. Retired
Government servant (retired as
Police Sub Inspector),
State Reserve Police Force (Group-VI),
Dhule, R/o Village Waghadi,
Taluka Shirpur, District Dhule

PETITIONER

VERSUS

1. The State of Maharashtra,
through the Chief Secretary,
Government of Maharashtra,
M.S. Mantralaya, Mumbai-32
2. The Additional Chief Secretary,
Department of Home,
M.S. Mantralaya, Mumbai
3. The Additional Chief Secretary,
Department of Revenue and Forests,
M.S. Mantralaya, Mumbai
4. The Director General of Police,
M.S., Mumbai
5. The Additional Director General
of Police, State Reserve Police Force,
M.S., Mumbai
6. The Inspector General of Police,
State Reserve Police Force,
Nagpur
7. The Commandant,
State Reserve Police Force
(Group-VI), Dhule
8. The Collector, Dhule

9. The Special District Social Welfare Officer, Dhule
10. Mahila Arthik Vikas Mahamandal, Dhule through its Coordinating Officer
11. The Project Officer, Integrated Tribal Development Department, Dhule
12. The Cent-Rural Self Employment Training Institute, Dhule, through its Director

RESPONDENTS

Mr. Rajendra S. Deshmukh, Advocate for the petitioner
Mr. A.B. Girase, Government Pleader for the respondents/State

**CORAM : NARESH H. PATIL, C.J. AND
N.M. JAMDAR, J.**

DATE : 13th DECEMBER, 2018

ORDER :

The petitioner, a retired Police Sub Inspector, who served the State Reserve Police Force ("SRPF", for short), Group-VI, Dhule, has filed the present Public Interest Litigation, praying for the following substantive reliefs:-

"(C) Rule may kindly be made absolute by allowing the PIL Petition, thereby quashing and setting aside the impugned order dated 04/02/2008 (Annexure-'C') issued from the office of the Collector, Dhule of forfeiting 4

Hectors, 60 Ares land of State Reserve Police Force Dhule (Group-VI) from the land Survey No.22/A 1-1, situated at village Mahindale, Taluka and District Dhule.

(D) Rule may kindly be made absolute by allowing the PIL Petition, thereby quashing and setting aside the correction order dated 24/01/2011 (Annexure-'C' colly.) issued from the office of the respondent No.8/Collector, Dhule in respect of allotting 0.80 R land from Respondent No.10/Mahila Arthik Vikas Mahamandal, Dhule to Respondent No.12/Cent-Rural Self Employment Training Institute, Dhule Survey No.22/A 1-1, situated at village Mahindale, Taluka and District Dhule."

2. The State of Maharashtra had allotted 26 Acres of land in Dhule for its use by the SRPF for construction of quarters in the year 1978. Admittedly, no quarter could be constructed. In the meanwhile, the Collector, by an order dated 4th February, 2008, has forfeited the land to the extent of 4 Hectors and 60 Ares by directing to surrender the land for construction of Boys and Girls Hostel belonging to Scheduled Castes; construction of Boys Hostel of Scheduled Tribes and for the construction of Women Training School/Centre under the Rural Development Department.

3. The learned counsel appearing for the petitioner submits that the said order dated 4th February, 2008, passed by the Collector was the subject matter of challenge by the SRPF before the Divisional Commissioner, Nashik, who, by order dated 4th March, 2009, dismissed the appeal. The SRPF filed further appeal before the Hon'ble Minister, which came to be dismissed on 19th June, 2012. The Review Application preferred by the SRPF also came to be dismissed.

4. It is submitted that so far, no proceeding has been filed by the aggrieved party against the said orders, referred to above.

5. The learned counsel for the petitioner, who has served the SRPF, submits that it would not be in the interest of the Department to forfeit the land, which was handed over to SRPF. Relying on the pleadings and in particular the affidavit filed on behalf of respondent Nos.4 to 7, the learned counsel submits that there is plenty of land available around Dhule city for the purpose of construction of the hostels and the Training Centre.

6. One of the contentions of respondent Nos.4 to 7, as appearing in their affidavit, reads as under :

"That since beginning of institution/Para military force the allotted land is under use. The said land required under the natural form due to the modes of working of Para Military Force and its operation. For the said training certain amount of secrecy is also necessary. The basic training imparted is anti-naxalite training such as field craft as well as for judging distance, camouflage and concealment, ambush, counter ambush, anti-naxalite training and gorilla warfare training for all those trainings the natural form of the land is absolutely necessary. Even for the successive operation against the gorilla war day and night demonstrations are carried out. The institution is giving training in the view of internal security of nation and maintenance of peace and harmony."

The learned counsel submits that a proper and balanced approach is required to be adopted by both the wings of the State so that the interests of both the Departments are protected and the larger public interest is taken care of.

7. The learned Government Pleader has referred to the affidavit filed on behalf of the Collector – respondent No.8, through Shri Dattatrays s/o Eknath Shejul, who was the then Tahsildar, Dhule. In paragraph Nos.3 and 4, the deponent therein stated as under :-

“3. Deponent says and submits that the contents of Para No.2 of the petition are true and correct. The points raised in the representation dated 4.3.2015 filed by the petitioner are more (or) less similar to the grounds raised in proposed writ petition to be filed separately by respondent number 7 before this Hon'ble Court, if the said proposal is approved by the respondent number 2 pending before him for approval.

4. Deponent says and submits that, the contents of Para No.3 of the Petition, to the extent that it is true that respondent No.8 Collector, Dhule vide its administrative order/letter dated 13/09/1978 allotted the Government land in favour of S.R.P.F. Group-VI, Dhule, situated at village Mahindale, Tq. & Dist. Dhule for permanent location of S.R.P.F. Group-VI Dhule. It is also true that the said land is transferred under some conditions for the utilization. The S.R.P.F. Group-VI Dhule has not violated any conditions imposed by the

respondent no.8. As such the total land allotted to respondent no.7 is under the utilization continuously as per the training requirement or for other purposes."

8. The learned Government Pleader submits that there is sufficient land with the SRPF for conducting day-today activities. The State has other social obligations and after conducting necessary survey, The State has decided to use part of the land allotted to the SRPF. The interest of SRPF is no way adversely affected. The purpose for which the land was allotted to the SRPF was not fulfilled as no quarters could be constructed.

9. We have perused the record and considered the submissions advanced on behalf of both sides. Firstly, we may observe that the situation like this where one wing of the State litigates against another, needs to be avoided. On behalf of the petitioner, it is submitted that the SRPF had challenged the orders passed by the authorities before the Hon'ble Minister; however, the contentions of the SRPF were not accepted.

10. We are informed that the SRPF was allotted 250 Acres of land earlier and further 26 Acres of land was

allotted to it in the year 1978 for construction of the quarters. By the impugned order, the Collector has directed the SRPF to surrender the land to the extent of 4 Hectors 60 Ares.

11. It is true that the SRPF is a vital and important wing of the State Security Force. The land, which was allotted to the SRPF, is required to be used for various purposes, which are, in particular, explained in the affidavit filed by respondent Nos.4 to 7. Certainly, there cannot be compromise in respect of the essential requirements of the Security Forces. They must be of paramount consideration for the administration of the Security Forces.

12. However, in the facts of the case, we find that the land only to the extent of 4 Hectors 60 Ares only is required by the State for the purposes which are enlisted hereinabove.

13. In view of above facts and circumstances, it would be appropriate if a joint meeting is held between the Secretaries of Home Department, Revenue and Forest Department, Additional Director General of Police, State Reserve Police Force on the following issues:-

(i) Whether any other portion of the land in possession of the State Reserve Police Force, to the extent of 4 Hectors 60 Ares, can be utilized by the State for the purposes of (a) construction of Boys and Girls Hostel belonging to Scheduled Castes, (b) construction of Boys Hostel of Scheduled Tribes and (c) construction of Women Training School/Centre under the Rural Development Department.

(ii) Is there any alternate land of the State Government than the one which was allotted to the State Reserve Police Force available for the aforesaid purposes.

14. The Committee consisting of above mentioned Secretaries/Officials shall discuss the above issues and take final decision thereon, within a period of three months from today, which shall be communicated to the State Government. The minutes of the meeting shall be recorded and a copy thereof be forwarded to the Chief Secretary of the State. The said decision shall be binding on both the wings of the State Government.

15. We make it clear that in case a decision to surrender the 4 Hectors 60 Ares land in question is retained, then the said surrendered land shall be used only for the said public purpose specified in the impugned order.

16. With the above directions, the Public Interest Litigation is disposed of. No costs.

17. The learned Government Pleader shall communicate this order to all the concerned.

[N.M. JAMDAR, J.]

[CHIEF JUSTICE]

npj/PIL29-2014