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

WRIT PETITION NO.7284 OF 2018

Lamkani Education Society English
School, Lamkani, Tq. & Dist. Dhule
Through its President,
Purushottam Maganrao Pakale,
Age: 64 years, Occ: Chairman,
R/o. At Post Lamkani,
Tq. & Dist. Dhule.

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through : Secretary,
Education Department,
Mantralaya, Mumbai.
2. The Collector, Dhule,
District Dhule.

..RESPONDENTS

Mr N.L. Choudhari, Advocate for petitioner;
Mr S.M. Ganachari, A.G.P. for respondents

**CORAM : PRASANNA B. VARALE &
S. M. GAVHANE, JJ.**

DATE : 2nd AUGUST, 2018

ORAL ORDER :

Heard Mr. Choudhari, learned Counsel
appearing for the petitioner.

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2. A very limited grievance is raised by the petitioner in the petition. Learned Counsel appearing for the petitioner submits that the petitioner institute is running school at Lamkani, Taluka and District Dhule for primary and secondary classes English medium. He then submits that an allegation was levelled that the petitioner school had encroached upon Grampanchayat land. He then by inviting our attention to the copy of resolution which is placed on record submitted that it was resolved in the Grampanchayat meeting dated 15th August, 2015 that the petitioner may be permitted to approach competent authority namely District Collector, Dhule for seeking regularization of encroachment. He then submitted that accordingly, the petitioner approached the District Collector seeking permission to regularize the encroachment.

3. Mr. Choudhari, learned Counsel appearing for the petitioner further submitted that it was submitted before the District Collector that

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initially school was being operated in the premises which was rented one but now the institute constructed its own building having all the infrastructural facilities available for the students. Thus, a request is made to consider the proposal of the petitioner institute sympathetically and permit the petitioner institute to regularize the encroachment.

4. Mr. Choudhari, learned Counsel then submitted that again an application was submitted to the Sub Divisional Officer on 17th August, 2015. In response to the communication from the office of the Collector, the petitioner institute submitted a report with a request that proposal may kindly be considered. He further submitted that even the representative of people requested the District Collector to do needful in the matter considering the proposal of the petitioner institute. The submission is, since long the proposal is pending before the District Collector and by way of latest representation, the petitioner approached the

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Collector on 9th September, 2017 reiterating his request.

5. Mr. Choudhari, learned Counsel submits that as the representation is pending before the Collector, direction be issued to the competent authority i.e. Collector, Dhule to decide the representation forthwith. He submitted that as the school building is not for any personal occupation but it is catering needs of the students of the village, as such, the petitioner is approaching the Collector and the Collector may be directed to decide the proposal forthwith so as to take into consideration the interest of the students.

6. This being only grievance raised by the petitioner, we are of the opinion that the petition can be disposed of at admission stage itself, by directing respondent No.2 i.e. The Collector, Dhule to decide the representation as expeditiously as possible and not later than six weeks from the date of the order of this Court, if already not decided.

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7. In our opinion, this direction would also cause no prejudice to the respondents authorities and more particularly respondent No. 2. The petition is accordingly disposed of with above directions.

(S. M. GAVHANE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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