

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
PUBLIC INTEREST LITIGATION NO.161 OF 2016

Gajanan s/o Baburao Sapkal

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.B.L.Sagar Killarika, advocate for the petitioner.
Mr.V.S.Badakh, A.G.P. for Respondents.

**CORAM : R.M.BORDE &
A.M.DHAVAL, JJ.
DATE : 18th July, 2018**

PER COURT:

1 This PIL can be disposed of in view of the affidavit tendered on behalf of Respondents No.1, 2 and 3. It is recorded in paragraphs no.10 to 13 of the affidavit:

10 I further say and submit that, accordingly the respondent no.3 has submitted the report dtd 14.9.2016 in the office of the respondent no.2 thereby stating that the encroached portion of land of 2 H. 25 R and in survey no.30 and 30 R land in Survey no.31, has been taken in possession by Government by removal of the encroachment and by erecting the barbed wire fencing and cement pole over the said land. However as a building is situated over the 22 R land in survey no.30 which has been erected by the Chhatrapati Shikshan Prasarak Mandal, notice has been

given to the concerned NGOs for removal of the said construction. The copy of the report dated 14.9.2016 submitted by the respondent no.3 is annexed herewith and is marked as EXHIBIT-R-7.

11 I further say and submit that, the Sub Divisional Officer, Kannad has also submitted a proposal dtd 26.10.2016 for the purpose of the allotment of 2 H. 27 R. land out of survey no.30 Kannad for the purpose of construction of the Sub Divisional Office, Kannad and the residential quarters. The copy of the report dtd 13.1.2017 and 18.1.2017 submitted by the Sub Divisional Officer Kannad in the office of the respondent no.2 is annexed herewith and is marked as Exhibit-R-8.

12 I further say and submit that, the respondent no.2 have issued directions to the respondent no.2 and the Sub Divisional Officer Kannad to remove all the encroachments over the land in survey no.30 and 31 and to keep the Government land free from any encroachment in future. The copy of the letter dtd 23.01.2017 issued by the respondent no.2 is annexed herewith and is marked as Exhibit-R-9.

13 I further say and submit that, part of the area of Gairan land taken over by the State Authorities after removal of encroachments is now proposed for construction of Sub Divisional Officer, Kannad and Residential Quarters; and the remainder out of the said land free of encroachment shall be utilized for public purpose only. I further say and submit that, the utilization of remaining area of land is gut no.30 and 31 shall be utilized strictly in terms of Government policy pursuant to Government Resolution dtd 12.07.2011. The copy of the Government Resolutiolo dtd 12.07.2011 is annexed herewith and is marked as Exhibit-R-10.

2 In view of the averments made in the affidavit as above, grievance raised by the petitioner, in the instant PIL, stands substantially redressed. The State Government shall take steps, as undertaken in the reply, as expeditiously as possible, preferably within a period of six months from today.

3 With the directions as above, PIL stands disposed of.

4 In view of disposal of instant PIL, pending CA for intervention does not survive and stands disposed of.

A.M.DHAVLE
JUDGE

R.M.BORDE
JUDGE

adb/