

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 743 OF 2015

Mr. Gautam Sitaram Sonawane	}	
and Ors.	}	Petitioners
versus		
The State of Maharashtra	}	
and Ors.	}	Respondents

Mr. Neel G. Helekar with Mr. Anu C.
Kaladharan for the petitioners.

Mr.B. V. Samant-AGP for the respondents.

CORAM :- S. C. DHARMADHIKARI &
PRAKASH. D. NAIK, JJ.

DATED :- APRIL 10, 2018

P.C. :-

1. Heard both sides.
2. Pursuant to our earlier order, the Sub-Divisional Officer and the Tahsildar, Taluka Shirur, District Pune are present in court with all original records.
3. After taking instructions from them and referring to the original file, Mr. Samant learned AGP has made two statements. He has said that the petitioners went on altering and changing their request. However, as far as the State Government and the authorities are concerned, they are relying upon a Government

Resolution dated 28th November, 1991 issued by the Department of Revenue and Forest, Government of Maharashtra. This is stated to be holding the field even today. It is stated that such of these persons and like the petitioners, who are found to have encroached on the Government land/public properties, but which are not earmarked for prohibited users beyond a particular time, their cases can be considered for regularisation. Though the petitioners are stated to be in possession of six hectares of land in this Taluka, the position today is that the petitioners have been divested two hectares of land already, which has been allotted to respondent no. 7 to this petition. That allotment and the order in that behalf need not be interfered with or disturbed. The petitioners claim that they are in actual physical possession of four hectares of land, but this Government Resolution says that the petitioners cannot retain or are not entitled to more than two hectares of *Jirayat* land/non-agricultural land. The encroachment to that extent will be regularised on the terms and conditions set out in the Government Resolution, including payment of land revenue.

4. There is one more fact, according to Mr. Samant, which has to be verified from the Conservator of Forest and that is, whether the land is affected by the Forest Conservation Act, 1980. If that

is not affecting the land, then, in terms of the order/recommendation of the Commissioner dated 14th May, 2010, the petitioners would be allotted a piece/parcel of land at Mauje-Takali Haji, Taluka-Shirur, District-Pune, in Gut No. 647 admeasuring two hectares from the same. The necessary and formal order of allotment would be issued after verification of the above facts within a period of three months from today.

5. We accept all the statements as above as undertakings given to this court. Since the petitioners are already in possession of the land stated to be covered by this recommendation of the Commissioner, in the facts and circumstances peculiar to this case, we grant three months' time, as prayed by Mr. Samant. If the orders are not issued within the period of three months, then, all consequences in law shall follow, including initiation of proceedings for contempt and disciplinary action against the Sub-Divisional Officer and the Tahsildar.

6. With the aforesaid directions, the writ petition is disposed of. There would be no order as to costs.

(PRAKASH.D.NAIK, J.) (S.C.DHARMADHIKARI, J.)