

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5954 OF 2017

Krishi Gau Seva Samiti, Vani .. Petitioner
Vs.
State of Maharashtra & Ors. .. Respondents

Mr.P.B.Shah i/by Mr.Mahesh V. Rawool for the petitioner.
Mr.S.D.Rayrikar, AGP for the respondent nos.1 & 9 to 12-State.
Mr.H.M.Inamdar for the respondent nos.2 & 4 to 7.
Mr.Girish R. Agrawal for the respondent no.8.

CORAM : R.D. DHANUKA, J.
DATE : 6th March 2018

P.C.:

. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 16th May 2017 passed by the learned Minister for Revenue and Forest, State of Maharashtra dismissing the revision application filed by the petitioner.

2. The petitioner is running panzarpol on the suit land and the ownership of the suit land is vested with the respondent nos.2 to 7. The learned Tahsildar passed order of eviction on 15th September 2014 without giving any notice of hearing to the petitioner. The petitioner filed an appeal bearing No.11 of 2015 before the learned Sub-Divisional Officer, Dindori, Sub Division Dindori. The said appeal was dismissed by the Sub-Divisional Officer by an order dated 7th August 2015. The learned Collector dismissed the appeal bearing No.347 of 2017 filed by the petitioner against the order of Sub-Divisional Officer. The petitioner filed a revision application bearing No.54 of 2016 before the learned Additional Commissioner, Nashik Division, Nashik. The

learned Commissioner also dismissed the said revision application. The petitioner thereafter filed a revision application before the learned Minister. The learned Minister has dismissed the said revision application on 16th May 2017.

3. A perusal of the record indicates that all the authorities while rejecting the proceedings filed by the petitioner having found no substance in the alleged rights claimed by the petitioner on the land belonging to Adivasis community of any nature whatsoever on the property claimed by the petitioner. The petitioner is not able to satisfy this Court that the petitioner has any right on the land belonging to the Adivasis community.

4. In my view, the findings rendered by the learned Minister in the impugned order dated 16th May 2017 being not perverse, thus cannot be interfered with by this Court under Article 227 of the Constitution of India.

5. Mr.Shah, learned counsel for the petitioner states that the petitioner has made a representation to the State Government for allotment of an alternate land and the same is pending. He seeks a reasonable period of time to vacate the land in question.

6. As and by way of last indulgence, eight weeks' time is granted to the petitioner to vacate the land in question on the condition that the petition files an undertaking before this Court that upon expiry of eight weeks, the petitioner will remove all the animals lying on the suit land and shall hand over the vacant possession to the respondent

nos.2 to 7. Undertaking is accepted. The petitioner has agreed to remove not only the animals lying on the suit land but also the standing structures within the time prescribed.

7. It is made clear that if the undertaking is not complied with within eight weeks from today, the Court Receiver, Bombay High Court to stand appointed as a Receiver to take forcible possession of the land in question from the petitioner with the assistance of police if necessary and shall hand over the possession thereof to the respondent nos.2 to 7. The petitioner shall file an undertaking before this Court within one week from today.

8. Writ petition is dismissed subject to the petitioner rendering an undertaking to vacate the suit land within eight weeks from today. During this period of eight weeks, the petitioner shall not create any third party in respect of the land in question. A copy of the undertaking shall be furnished by the petitioner to the respondents within two days from the date of filing of such undertaking before this Court.

R.D. DHANUKA, J.