

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9172 OF 2016

Rajaram Shankar Shingare	}	Petitioner
versus		
State of Maharashtra	}	
and Ors.	}	Respondents

Mr. Dhairyasheel Sutar for the petitioner.

Mr. B. V. Samant-AGP for State.

CORAM :- S. C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.

DATE :- FEBRUARY 8, 2018

P.C. :-

1. After hearing both sides and perusing the petition, its annexures, the affidavit in reply and the rejoinder, we find that the State, through the Tahsildar, Hatkanangale, Kolhapur has taken requisite steps. It is also informed by the Block Development Officer, Panchayat Samiti, Hatkanangale that the encroachment on City Survey No. 972, Mauje Rukadi is on Government land. Therefore, the Grampanchayat must cause a removal of this encroachment. A direction in that behalf and relied upon by Mr. Sutar is to be found in the communication dated 9th June, 2017 (page 141 of the paper book). Let that direction be taken to its logical conclusion and by the concerned

authorities. If there is a dereliction of duty, this Grampanchayat will suffer the necessary consequences in law. The petitioner cannot pursue his private disputes with the alleged encroachers and particularly after he was unable to prove and substantiate his right in the property in a civil suit which was dismissed. The civil suit of the petitioner having been dismissed, we direct the officials and authorities concerned to act in terms of this communication.

2. With the aforesaid directions, the writ petition is disposed of.

(SMT. BHARATI H. DANGRE, J.)

(S.C.DHARMADHIKARI, J.)