

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
12 WRIT PETITION NO.10704 OF 2018**

ASHOK TUKARAM SAPKAL AND OTHERS ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Swapnil S. Patunkar, Advocate for the
Petitioners.

Mr. K. B. Jadhavar, AGP for Respondents-State.

...
**CORAM : S. V. GANGAPURWALA &
ANIL S. KIOR, JJ.**

DATED : 29th AUGUST, 2019.

PER COURT:-

1. The learned counsel for petitioners submits that petitioners father had encroached upon the writ land that is Government land Gut No.1138. The encroachment is since 1970-1972. The petitioners had approached respondent no.4 for regularizing the encroachment as per Government Resolution dated 28.11.1991. The learned counsel submits that petitioners are below poverty line. They are landless scheduled tribe persons. The encroachment is to the extent of five acres. The learned counsel submits that respondents are not abiding by the policy decision taken by the State.

2. The learned A.G.P. submits that, in view of the judgment of the Apex Court in a case of **Jagpal Singh & Ors Vs. State Of Punjab & Ors** reported in **2011 (11) SCC 396**, the Government has

issued Resolution dated 12.07.2011 and in view of the said Resolution, the encroachment on the Gairan land cannot be regularized.

3. Considering the Government Resolution dated 12.07.2011, pursuant to the judgment of the Apex Court in case of **Jagpal Singh & Ors Vs. State Of Punjab & Ors** (supra) grievance of petitioners cannot be considered.

4. In case, petitioners have any right under the provisions of the Maharashtra Land Revenue Code, petitioners may avail the same.

5. Writ Petition is disposed of. No costs.

(ANIL S. KILOR)
JUDGE

(S. V. GANGAPURWALA)
JUDGE