

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

WRIT PETITION NO 5682 OF 2014

Rajendra Balasaheb Deshmukh,
Age-42 years, Occu-Agriculture,
R/o. Brahman wada, Kotul (Dhagewadi),
Tal. Akole, Dist. Ahmednagar

...Petitioner.

Versus

- 1] State of Maharashtra,
Through Secretary of Revenue,
- 2] Collector, Ahmednagar,
- 3] Chief Executive Officer,
Zilla Parishad, Ahmednagar,
- 4] Deputy Chief Executive Officer,
(Gram Panchayat),
Zilla Parishad, Ahmednagar,
- 5] Block Development Officer,
Panchayat Samiti, Akole,
Tq. Akole, Dist: Ahemdngar.
- 6] Grampanchayat Kotul,
Through Sarpanch,
Village Kotul,
Tq. Akole, Dist. Ahmednagar.
- 7] Tahsildar Akole,
Tq. Akole, Dist. : Ahmednagar
- 8] Gramsevak Kotul,
Village Kotul,
Tq. Akole, Dist. Ahmednagar.
- 9] Sunil Dattatraya Deshmukh,
Age- 50 years, Occu- Agriculturist,
R/o. Brahman wada, Kotul (Dhagewadi),
Tal. Akole, Dist. Ahmednagar.

10] Ganesh Baban Deshmukh,
Age-40 years, Occu- Agriculturist,
R/o. Dhagewadi, Tal. Akole,
Dist. Ahmednagar.

...Respondents.

Mr. A.S. Bajaj, Advocate for petitioner.

Mr. A. V. Deshmuk, AGP for respondent Nos.1,2 and 7.

Mr. S.T. Shelke, Advocate for Respondent Nos.6 & 8

Mr. S.K. Shinde, Advocate for Respondent No.9 & 10.

**CORAM : T.V. NALAWADE AND
SUNIL K. KOTWAL, JJ.**
DATED : 23/01/2019.

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.

2. The petition is filed for giving direction to respondents, particularly to Village Panchayat and Collector to see that the encroachment made by few persons on Gairan land bearing Survey No. 292/2 of village Kotul (Dhagewadi), Tahsil Akole, District Ahmednagar is removed. The submissions made and the record show that during pendency of that matter, this Court had expected to take measurement of Gairan land to see that there is any encroachment and to show such encroachment. There is map prepared by Survey Office showing that there is

possession of some persons on Gairan land and they had claimed as Vahiwat. The marking is there of the encroached portion. It can be said that it was the duty of the Village Panchayat to take action and request the Collector to do the needful, but that is not done. Anybody who has made encroachment over Gairan land needs to be removed from there and that possession may be of any kind. So, the petition is allowed and direction is hereby given to Village Panchayat and Collector to see that all the encroachment appearing on the Gairan land are removed and that is done within three months from the date of receipt of this order. Rule is made absolute in those terms.

3. Subsequent to making of the order, the learned counsel Shri. Shelke produced on record the report produced by the Deputy Superintendent of Land Records and he submitted that actually on survey No. 292, which was measured on 18.12.2014 no encroachment is shown and so, the order needs to be recalled. The order which made by this Court is with regard to Survey No. 292/2 and this Court only considered the position of Survey No. 292/2. If any person who is on the land Survey No. 292 and whose encroachment will be removed, has

grievance, he can approach this Court in the same proceeding and his grievance will be considered in the same proceeding.

[SUNIL K. KOTWAL, J.]

[T.V. NALAWADE, J.]

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