

Balaji
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Panchal

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.202 OF 2016

Shri. Ramlinga Sidhram Kavchale

..Petitioner

Versus

State of Maharashtra & Ors.

..Respondents

Mr. S. G. Deshmukh i/by Mr. R. A. Shelke, Advocate for the
Petitioner.

Ms. Nisha Mehra, AGP for Respondent – State.

Mr. Vijay Killedar, Advocate for Respondent Nos.3 to 5.

CORAM : PRADEEP NANDRAJOG, C.J. &
M. S. KARNIK, J.

DATE : 18th OCTOBER, 2019

P.C.

1] Reply has not been filed to the Petition till date.

2] The grievance in the Petition is to encroachment on land
comprised in Gat No.43 from village Borale, Taluka Mangalwedha,
District Solapur recorded in the revenue record as Gairan land i.e. to
be used for the community of the villagers. As per the decision dated
28th January 2011 in *Civil Appeal No.1132/2011 Jagpal Singh & Ors.
Vs. State of Punjab & Ors.* village land cannot be permitted to be
appropriated by individuals.

3] Exh.E filed with the Petition would show that on 31st May
2007 the Gram Panchayat passed a resolution that the land be made

free from encroachments. In spite thereof, no action has been taken by the Gram Panchayat to repossess the land. Exh.G to the Petition would show that on 17th November 2011 the Block Development Officer had called upon the Sarpanch to ensure that the encroachment is removed and the land is taken possession of.

4] Averments in the Public Interest Litigation not being traversed, we dispose of the same directing the 2nd Respondent to ensure that the Gram Panchayat repossesses the land and if the Gram Panchayat does not do so, action as per law for supersession of the Gram Panchayat be initiated and simultaneously the Collector would ensure that the encroachers are removed from the land.

5] Mandamus be complied within twelve weeks from today.

M. S. KARNIK, J

CHIEF JUSTICE