

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

PUBLIC INTEREST LITIGATION NO.163 OF 2018

Mr. Vasudev Ananta Bhoir

..Petitioner

Versus

The State of Maharashtra and others

..Respondents

None for the Petitioner.

Mr. P. P. Kakade, Govt. Pleader a/w Ms. Nisha Mehra, AGP for
Respondent Nos.1 to 4 & 6 & 7.

**CORAM : PRADEEP NANDRAJOG, C.J. &
N. M. JAMDAR, J.**

DATE : 4th JULY, 2019

P.C.

1] This is a Public Interest Litigation. None appears for the
Petitioner.

2] Meaningfully read, case pleaded by the Petitioner is that
the lands referred to in paragraph 3 of the Public Interest Petition were
owned by one Mr. Maruti Pandu Patil and upon his death the land
vested in the State Government on the principle of escheat. The
Petitioner had filed PIL No.242 of 2009 in which on 15.07.2010 an
order was passed directing the Collector to submit a report. The
Collector submitted a report informing that no person who came
forward to claim succession to the land could produce a Succession

Certificate or instrument of probate and thus exercising power under Section 34(1) of the Maharashtra Land Revenue Code, 1996 an order was passed on 27.09.2010 recording title in the name of the Government of Maharashtra.

3] It is prayed in the Petition that the Respondents be directed to prevent encroachment on the land. It is stated that there is a possibility of encroachment on the land. Prayer made is to direct survey to be carried out to ascertain if there is any encroachment, and if encroachment is found, it be removed.

4] We see no reason to issue any direction as prayed for on the mere apprehension of the Petitioner. While dismissing the Petition, we would simply observe that the Collector of district Thane should ensure that in view of the order dated 27.09.2010 the subject lands are protected by the State Government and not permitted to be encroached upon.

N. M. JAMDAR, J

CHIEF JUSTICE