

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 498 of 2019**

Bhagwan Shivram Bhoir

.. Petitioner

Versus

The State of Maharashtra through
its Dept of Revenue and anr

.. Respondents

...

Mr. Kedar P. Lad i/b Mr.P.D. Dalvi for the petitioner.
Mr.K.S. Thorat, AGP for respondent no.1.

**CORAM: PRADEEP NANDRAJOG, C.J.
AND BHARATI DANGRE, J.**

DATED : 9th DECEMBER, 2019

P.C:-

1 The petitioner appears to be repeatedly knocking at the door but with gloves worn. Obviously, the sound of the knocking would not be generated.

2 The petitioner claims to be a trespasser on land comprised in Survey No.4047/45 and Survey No.4047/47. He claims to be an encroachee since the year 1954-55. The claim is under Section 51 of the Maharashtra Land Revenue code, 1966 which envisages regularization of encroachment.

Tilak

3 The petitioner had earlier filed Writ Petition No.1388/2015 making a grievance that his representations were not being decided by the Collector. The Writ Petition was disposed of on 6th December 2018 directing petitioner to file the representation to the District Collector who was directed to refer the same to the Court within six weeks.

4 Grievance in the Writ Petition is that the petitioner made a representation on 19th December 2018 which has not been dealt with by the Collector.

5 We have perused the representation dated 19th December 2018. We find that the petitioner has not annexed any material therewith from which it can be inferred that the petitioner is in possession of the subject lands. Mere assertion that the petitioner is in possession of the subject lands is not enough. Before an authority can be called upon to decide a representation, the Court has to ensure that the representation is a representation proper so-called and not a mere assertion of a claim. Thus, we do not issue any notice to the Collector, District Thane in the instant Contempt Petition.

6 Dismissing the Contempt Petition, we called upon the petitioner to file a proper representation annexing therewith

the material on which the petitioner relies to sustain the claim of being a trespasser so that the Collector can consider the material relied upon by the petitioner and with his comments refer the same for decision to the Government.

7 Upon the petitioner doing the needful, the Collector shall make the necessary reference within eight weeks of receipt of the representation which must contain the material on which the petitioner relies to sustain the claim.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE