

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

WRIT PETITION (ST) NO.29685 OF 2016

Prakash Mahadeo Gangane and Anr. ...Petitioners

vs.

The State of Maharashtra and Ors. ...Respondents

Mr.Purushottam G. Chavan for the Petitioners.

Mr.Nagesh Chavan for Respondent No.6.

Mrs. Gavhane, AGP for the Respondent Nos.1, 2 and 4.

**CORAM : B. P. DHARMADHIKARI &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATE : 10/10/2019.

PC.:

. Heard Mr.Purushottam Chavan, learned counsel for the petitioners, Mr.Nagesh Chavan for Respondent No.6 and Mrs. Gavhane, Learned AGP for the Respondent Nos.1, 2 and 4.

2. Perused the order dated 28/8/2019 passed by this Court. The grievance of the petitioners is despite specific direction of Hon'ble Apex Court in judgment in case of Jaspal Singh vs. State of Punjab and the G.R. dated 16/2/2018, encroachment on *Gairan* land are not being removed. The petitioners state that they have made several representations and though respondent No.6 has found encroachment, it has not taken any steps.

3. Learned counsel appearing for respondent No.6 has relied upon reply affidavit. He pointed out that on 20/8/2018 there is Guideline issued by the State Government which expects respondent No.6 to

regularize the encroachment for residential purposes. It is further submitted that the petitioner themselves are encroachers and have filed petition only in relation to one encroachment while there are several such encroachments.

4. Learned counsel for the petitioners disputes this. He adds that guidelines issued on 20/8/2018 do not militate with judgment of Hon'ble Apex Court (*supra*) or then the G. R. issued earlier on 16/2/2018. That GR specifically mandates removal of such encroachments.

5. Some disputed question of facts arise. Not only this all encroachers are not parties before us.

6. Since Respondent No.6 Gram Panchayat has accepted that there are encroachments on *Gairan* land, we direct Respondent No.6 to look into GR dated 16/2/2018 and proceed further after extending opportunity of hearing to petitioners as also other encroachers.

7. We direct the petitioners to appear before respondent No.6 for this purpose on 13/11/2019. Respondent No.6 should complete exercise of hearing within next three months and then proceed further in the matter in accordance with law.

8. With liberty to the petitioners to approach again if grievance is not redressed within reasonable time, we dispose of the petition.

(SMT. ANUJA PRABHUDESSAI, J.)

(B. P. DHARMADHIKARI, J.)