

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12847 OF 2019

Luke Augustine Lusbo .. Petitioner

Vs

The State of Maharashtra & Anr. .. Respondents

...

Mr. Mohit P. Jadhav with Ms. Megha Shigavan for the Petitioner.

Mr. M.M. Pabale , A.G.P. for Respondent Nos.1 and 2.

...

**CORAM: PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.**

DATED : 16TH DECEMBER, 2019.

P.C:-

1. Having perused the averments made in the Writ Petition, we find reference being made to Exhibit-A. The pleading with reference to Exhibit-A is that the same shows mutation of the subject land in the name of Augustine Anton Lusbo, the father of the Petitioner. This is incorrect. Exhibit-A shows that in a register maintained showing entries of names of encroachers, name of the father of the Petitioner has been recorded as an encroacher. With reference to Exhibit-B, it is pleaded that the same evidences tax being collected from the Petitioner's father.

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This is incorrect. Penalty has been collected from the Petitioner's father.

2. It is apparent that the father of the Petitioner has encroached upon the subject land and thus, the impugned notice dated 5th December, 2019 is legal and valid.

3. The Writ Petition is dismissed.

(SMT. BHARATI DANGRE, J.)

(CHIEF JUSTICE)