

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

901 WRIT PETITION NO.1403 OF 2010

CHAMPALAL LALCHAND MUGADIYA
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

...
Advocate for Petitioners : Mr. S. S. Choudhary
AGP for Respondent No.1 to 3-State : Mr. A. R. Kale
Advocate for Respondent No.4 : Mr. N. D. Sonawane
Advocate for Respondent No.5 : Mr. A. D. Kashliwal
...

**CORAM : Z.A. HAQ AND
S. M. GAVHANE, JJ.**

DATE : 26.02.2020

PER COURT :-

Learned advocate for the petitioner states that the petitioner is dead. Learned advocate for respondent No.5 states that respondent No.5 is dead.

2. In this petition, which is registered as Public Interest Litigation, Challenge is to the order passed by the Honourable Minister under the Maharashtra Land Revenue Code, 1966 in the matter of mutation entries. The grievance is made about encroachment by respondent No.5 on land belonging to Municipal

Council, Vaijapur, after going through the record, we find that the matter cannot be examined in Public Interest Litigation. In normal course, we would have directed that the matter be placed before the learned single Judge, who can examine legality and validity of the impugned order passed by the Hon'ble Minister, however as the petitioner and respondent No.5 are reported to be dead, we are not adopting such course.

2. In view of the above, the petition is dismissed. In the circumstances, the parties to bear their own costs.

3. It is clarified that we have not adverted to the merits of the challenges raised in the petition and it would be open for appropriate Court / Authority to examine the grievance raised in this Public Interest Litigation, if occasion arises.

(S. M. Gavhane, J.)

(Z. A. Haq, J.)

vsm/-