

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

905 WRIT PETITION NO.5295 OF 2020

SAHEBRAO JANU MASALKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

None appears for the petitioners.
Mr. A.V. Deshmukh, A.G.P. for respondent / respondent.

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CORAM : **S.S. SHINDE &
SHRIKANT D. KULKARNI, JJ.**

DATE : 18 September 2020.

ORDER :

1. When the matter was called out in the morning session, none appeared for the petitioners. Even in afternoon session none appears for the petitioners.

2. It is pleaded by the petitioners that they are the encroachers on the Government land. They are from 'Wadar' community which belongs to Scheduled Caste category. The petitioners are landless persons, and therefore, their prayer for regularisation of the encroachment may be favourably considered.

3. It appears from perusal of Exh-I, page 44 of the compilation of the Writ Petition that on 29th January 2020, the petitioners filed an application addressing to the District

Collector, Beed for redressal of their grievance and with a request to regularize the encroachments on Government land by the petitioners. It appears that the said application filed by the petitioners is not decided by the Collector.

4. Prayer of the petitioners to give directions to the respondents to regularize their encroachment over the Government land in Survey No. 149 situated at Ashti, Taluka Ashti, District Beed cannot be acceded as the Competent Authority yet has not taken decision on the application filed by the petitioners. However, directions can be issued to the District Collector, Beed to look into the application / representation of the petitioners dated 29th January 2020 (Exh-I, page 44) on its own merits within stipulated period.

5. In the light of the above, we direct respondent No.2 to look into the application / representation filed by the petitioners (Exh-I, page 44) and take decision on the said application / representation as expeditiously as possible, however, within six months from today. If the procedure contemplates affording hearing to the petitioners, the concerned Government Authorities may adopt such procedure and take appropriate decision on its own merits.

6. We make it clear that we have not expressed opinion on merits of the contention raised in the petition

and it is for the second respondent to take appropriate decision.

7. With the above observations, Writ Petition stands disposed of.

8. The parties to act upon authenticated copy of this order.

(SHRIKANT D. KULKARNI, J.)

(S.S. SHINDE, J.)

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