

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

**BENCH AT AURANGABAD**

**21 WRIT PETITION NO.7430 OF 2020**

Ramesh S/o Asaram Shelke

... Petitioner

Versus

The State of Maharashtra and Ors.

... Respondents

...

Mr.Madake Datta A, advocate for Petitioner

Mr. S.N. Morampalle, AGP for Respondents/State

...

**CORAM : MANGESH S. PATIL, J.**

**DATE : 07.12.2020**

**P.C. :**

1. Heard.
2. By way of this petition, the petitioner is challenging the communication/order dated 12.10.2020 whereby the respondent No.2 i.e. Collector, Aurangabad refused to allot any portion of Gairan land to him. The petitioner is also seeking a direction to the respondent No.2 to re-consider/take appropriate action on his proposal dated 25.06.2007/08.10.2007 for allotment of a portion from the Gairan land Gut No.39 of village Pekalwadi, Taluka Gangapur, District Aurangabad.
3. Learned advocate for the petitioner submits that being ex-servicemen, he had applied for allotment of a piece of land for

cultivation. Though the Tahsildar had forwarded appropriate proposal, it was kept pending and no final decision was taken. By the impugned communication, now the Collector has refused to allot any land and has rejected the proposal.

4. After having heard the learned advocate, it is quite apparent that the petitioner is seeking allotment of a portion of Gairan land. The Supreme Court in the case of *Jagpal Singh & Ors. Vs. State of Punjab & Ors.* reported in *(2011) 11 SCC 396*, has specifically prohibited such allotment of a Gairan land to individuals. Pursuant thereto, the State Government has also issued a circular dated 12.07.2011, implementing the directions of the Supreme Court and regulating the allotment of portion of gairan land for public use.

5. In view of such specific directions of the Supreme Court and the subsequent decision by the State Government prohibiting private use of a Gairan land, *ex-facie* there is no apparent illegality in the impugned communication whereby the learned Collector has rejected the proposal of the petitioner.

6. There is no substance in the petition. It is dismissed *in limine*.

(MANGESH S. PATIL, J.)