

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 5566/2019

Raju @ Rajendra Narayanrao Gaddingkar and others

Vs.

Divisional Commissioner, Amravati Division, Amravati and others

.....
Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

.....
Ms D.V. Sapkal, Advocate for the petitioners.

Shri D.P. Thakre, Addl.G.P. for respondent Nos. 1 to 6.

**CORAM : R.K. DESHPANDE &
AMIT B. BORKAR, JJ.**

DATED : 28th January, 2020.

Fortunately or unfortunately, the encroachers on the Government lands are entitled to benefits of the policy, in their support prescribed by the State Government. In order to take such benefit, the eligibility criteria is to establish that the person is an encroacher. The report dated 29th May, 2017 which is a subject matter of challenge in this petition by the Sub-Divisional Officer, holds that the petitioners are not the encroachers and therefore, they are denied the benefit of the policy of the State Government.

Obviously, the question as to whether the petitioners are the encroachers or not is disputed question of fact and the petitioners have effective remedy of filing a Civil Suit for declaration that they are the encroachers over the Government land and hence,

entitled for the benefit. We cannot enter into this disputed question of fact nor we are sitting in appeal over the report dated 29th May, 2017.

In view of the disputed question of fact, the Writ Petition is dismissed. The petitioners are at liberty to avail all such remedies as available in law.

JUDGE

JUDGE

J.Pethe