

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

WRIT PETITION NO. 5452 OF 2021

Ibrahim Shah s/o Kalushah
and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. Zia Ul Mustafa, Advocate for the Petitioners.
Mr. P. K. Lakhotiya, AGP for Respondents-State.

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 30th March, 2021.

PER COURT:-

. The learned counsel for the petitioners submits that the petitioners land has been taken in possession by the respondents, however, acquisition proceedings are not initiated, nor compensation amount is paid.

2. The learned A.G.P submits that the petitioners are encroachers and does not have any vested right.

3. Mr. Mustafa, learned counsel for the petitioners submits that the petitioners though have encroached upon the land, the said land was a Gayran land. The Grampanchayat had also passed a resolution permitting possession of the petitioners. According to the learned

counsel, the land is entered in the name of the Grampanchayat as a Gayran land. The Grampanchayat had taken steps for regularization.

4. It is not disputed that the present petitioners are ranked trespassers over the Gayran land. The land, it appears, is taken in possession by the respondents for Samrudhi Mahamarg and for some other purposes. The order of regularizing encroachment of the petitioners has not been passed. There is no sanction of the Chief Executive Officer of the Zilla Parishad to the Grampanchayat resolution.

5. We asked the learned counsel for the petitioners to refer to any Government Resolution granting rights to the encroacher in case the land is taken in possession for the public purpose. No such Government Resolution is pointed out.

6. In the light of that, the relief claimed by the petitioners cannot be granted.

7. If the petitioners are otherwise entitled for some other benefits, it is for the petitioners to approach the authorities in that regard.

8. Writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.