

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8613 OF 2019

Kondhave Dhawade Survey No.417
Rahivasi Kruti Samittee Sangh
Through Its Secretary .. Petitioner

vs.

The Dist. Collector, Pune
Through the office of Dist.
Collector and Ors. .. Respondents

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Mr.Telesh Dande a/w Mr.Bharat Gadhavi a/w Mr.Vishal Navale a/
w Mr.Vaibhav Kulkarni i/b Mr.Telesh Dande and Associates for
the Petitioner

Mr.C.D.Mali, A.G.P. for the State

Mr.Raju Baburao Rathod and Mr.Vikas Eknath Kamble,
representatives of Petitioner Rahivasi Sangh

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**CORAM: K.K.TATED &
R.I.CHAGLA, JJ.
DATED : FEBRUARY 11, 2021**

P.C.

. Heard.

2. By this Writ Petition under Section 226 of the
Constitution of India, Petitioner is seeking direction against
the Respondents to regularise the encroachment made by
the members of the Petitioner organization on Survey
No.417 at Kondhawe Dhawade Grampanchayat Limits,

Taluka Haveli, District Pune as per the Government Resolution bearing No.LEN10/2001/225/J-1 dated 04.04.2002 and Government Resolution bearing No.P10-2017/348/10 dated 16.02.2018.

3. The learned counsel for the Petitioner submits that they already made representation dated 09.08.2017 to the concerned Tahsildar for considering their case for regularisation of their structures. He submits that the said representation is pending with the concerned authority i.e. Tahsildar for last 4 years.

4. The learned counsel for the Petitioner further submits that during the pendency of the present Writ Petition, Respondents issued notices dated 29.01.2021 to the members of the Petitioner under section 50 of the Maharashtra Land Revenue Code, 1966 for vacating/removing unauthorised construction. He submits that in the interest of Justice, this Hon'ble Court be pleased to restrain the Respondents from taking any coercive action against the Petitioner members till the representation is decided by the authority.

5. When this Court declined to grant such relief in favour of the Petitioner, the learned counsel for the Petitioner made a statement before this Court that let Respondent no.3 Tahsildar to decide their representation dated 09.08.2017 on its own merits. To that effect, he has given in writing. Same is taken on record and marked 'X' for identification. Same is accepted.

6. In view of these facts, the following order is passed:

a. Respondent no.3 Tahsildar and or competent authority is directed to decide the Petitioner's representation dated 09.08.2017 (Exhibit 'P' page 309 of the Petition) on its own merits as early as possible but in any case on or before 30.04.2021 and inform the Petitioner.

b. It is made clear that this Court has not granted any interim and or ad interim protection in favour of the Petitioner. Hence, Respondents can take appropriate steps according to law pursuant to their notice under section 50 of the Maharashtra Land Revenue Code, 1966 without influencing the order passed by this Court that Tahsildar has to decide their representation dated 09.08.2017 on its own merits.

c. Writ Petition stands disposed of as withdrawn.

d. No order as to costs.

(R.I.CHAGLA, J.)

(K.K.TATED, J.)