

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

WRIT PETITION NO. 5569 OF 2021

Sopan s/o Pandhari Jiri,
Age: Major years, Occ. Agri.,
R/o Shelgaon, Tq. Jamner,
Dist. Jalgaon.

.. **Petitioner**

Versus

1. The Collector,
Jalgaon, Tq. & Dist. Jalgaon.
2. The Block Development Officer,
Panchayat Samiti, Jamner,
Tq. Jamner, Dist. Jalgaon.
3. The Gram Sevak,
Gram Panchayat, Shelgaon,
Tq. Jamner, Dist. Jalgaon.
4. The Sarpanch,
Gram Panchayat, Shelgaon,
Tq. Jamner, Dist. Jalgaon.
5. Subhash Laxman Jire,
Age: Major years, Occ. Agri.,
R/o Shelgaon, Tq. Jamner,
Dist. Jalgaon.
6. Motilal Hiranman Jire,
Age: Major years, Occ. Agri.,
R/o Shelgaon, Tq. Jamner,
Dist. Jalgaon.
7. Latabai Laxman Jire,
Age: Major years, Occ. Agri.,
R/o Shelgaon, Tq. Jamner,

Dist. Jalgaon.

8. Manoj Laxam Jire,
Age: Major years, Occ. Agri.,
R/o Shelgaon, Tq. Jamner,
Dist. Jalgaon.

.. Respondents

...
Mr. Sachin D. Kunte, Advocate for the Petitioner.
Mr. A.S. Shinde, AGP for respondent no.1.
...

**CORAM : SMT. VIBHA KANKANWADI &
Y.G. KHOBRADE, JJ.**
DATE : 21st October, 2022

JUDGMENT:- (Per: Y.G. Khobragade, J.)

1. Rule. Rule made returnable forthwith. With the consent of the parties taken up for final disposal at admission stage.

2. In the present petition under Article 226 of the Constitution of India the petitioner prayed for issuance of directions against the respondent nos.3 and 4 to remove the encroachment made by the respondent nos.5 to 8 on Government land bearing Gut No.166 situated within the jurisdiction Gram Panchayat Shelgaon, Tq. Jamner, District Jalgaon.

3. According to the petitioner, he is a resident of village Shelgaon and Gut No.166 is a public land. However, the respondent nos.5 to 8 made encroachment on the Government land due to which the petitioner and other

villagers are facing movement problem as the path for ingress and egress is closed. The respondent no.4 made correction in revenue record Gav Namuna 8 and shown that, the respondent nos.5 to 8 have constructed their houses on the encroached Government land. Therefore, one villager Dinesh Raju Jiri and the petitioner submitted representations on 31.01.2019 and 13.02.2020 with the respondent no.2 for removal of encroachment and correction in gav namuna 8 but the respondents have not taken any steps to decide the said representation. After going through the averment made in the petition it depicts that, the petitioner alleged about encroachment on the Government land by the respondent nos.5 to 8 but the petitioner himself made a statement that the respondent nos.5 to 8 allegedly purchased said land, which are disputed facts.

4. This Court under Section 226 of the Constitution of Indian cannot go into the disputed facts. Further the petitioner having an alternate efficacious remedy to file an appropriate proceeding before the appropriate Court seeking declaration and removal of encroachment. Therefore, the present petition deserves to be dismissed. Accordingly it is dismissed. No order as to costs. Rule is discharged.

[Y.G. KHOBRAGADE, J.]

[SMT. VIBHA KANKANWADI, J.]