

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

918 WRIT PETITION NO.11901 OF 2022

TUKARAM ASHRUBA GADEKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...

Advocate for Petitioners : Mr. Sathe Digambar P
AGP for Respondents State: Mr.D.R. Kale

**CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.**

DATE : 13.12.2022

ORDER:

1. The petitioners are seeking regularization of their encroachment on Gairan/Government lands.

2. This Court, at the Principal Seat, in Suo Motu Public Interest Litigation No.02/2022, has issued certain directions to the State authorities to undertake the action of removing encroachments in the light of the decision of the Supreme Court in the case of **Jagpal Singh and Ors.Vs. State of Punjab and Ors., (2011) 11 SCC 396**. Needless to state that in view of the specific directions in that matter not to undertake any regularization without the leave of the Court, no direction in the matter in hand for regularization of the encroachments can be issued.

3. However, at the same time, we feel it appropriate to direct the respondents to consider the petitioners' request on its own merits and in the light of the decisions in the matter of **Jagpal Singh (supra)**, the orders passed in Suo Motu Public Interest Litigation No.02/2022 and the Government Resolutions.

4. We dispose of the writ petition by directing the respondent No.5 Tahsildar, Phulambri to take appropriate decision in the light of the above observation on the petitioners' applications dated 09.08.1988 as early as possible.

(Y. G. KHOBRAGADE, J.)

(MANGESH S. PATIL, J.)

JPChavan