

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

939 WRIT PETITION NO.12462 OF 2022

SANDEEP SHRAVAN SARODE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH
ITS PRINCIPAL SECRETARY AND OTHERS

...
Advocate for Petitioners : Mr. Patil Vinod Prakash
AGP for the respondent – State : Mr. A.S. Shinde
...

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

DATE : 8 DECEMBER 2022

PC :

Heard.

2. The petitioners are apprehending that they would be dis-possessed pursuant to the notices issued by the respondent – Municipal Council in view of the directions / orders in Suo Motu PIL no. 2 of 2022 of the Principal Seat.

3. Learned advocate Mr. Patil for the petitioners submits that the petitioners have been in possession of the pieces of land since decades. A proposal for regularizing the encroachments was recommended by the respondent no. 3 – District Collector to the Commissioner vide communication dated 16-03-2016 (Exhibit – A). He submits that till date no decision has been taken pursuant to such communication and now the petitioners are being sought to be evicted.

4. When we pointed out that since the respondent – Municipal Council is seeking to evict the petitioners by issuing notices,

and by specifically referreing that it was acting in accordance with the directions issued in the Suo Motu PIL no. 2 of 2022 and it would not be appropriate for this Court in a parallel litigation to examine this aspect and it would be proper for the petitioners to intervene in the Suo Motu PIL no. 2 of 2022, learned advocate Mr. Patil, on instructions, submits that the petitioners would restrict their request and only request for directing the respondent no. 2 – Divisional Commissioner, to take appropriate decision on the recommendation received by him from the respondent no. 3 – Collector dated 16-03-2016.

5. In view of such a statement, we dispose of the writ petition by directing respondent no. 2 to take appropriate decision on its own merits on the afore-mentioned communication as early as possible and in tune with the directions of the Supreme Court in the matter of ***Jagpal Singh and others Vs. State of Punjab and others; (2011) 2 SCC 396*** (Civil Appeal no. 1132 of 2011) and the order passed in Suo Motu PIL no. 2 of 2022 as also the Government resolutions issued from time to time.

[Y. G. KHOBRADE]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/