

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8664 OF 2022**

Shrishail Parvati Sahakari Gruhnirman Sanstha
Ltd. (Regd.)

....Petitioner

Versus

The Collector of Solapur, Solapur and ors.

....Respondents

Dr. Ramdas P. Sabban, Advocate for the petitioner.

Mr. V. S. Gokhale, "B" Panel Counsel for the State.

**CORAM : PRASANNA B. VARALE &
KISHORE C. SANT, JJ.**

DATE : 25th JULY, 2022.

P.C. :

1. Heard Dr. Sabban, learned counsel for the petitioner and Mr. Gokhale, learned AGP for the State.

2. In view of the submission of learned counsel for the petitioner as well as upon perusal of the documents placed on record, we deem it appropriate to consider part of prayer (a), which reads thus:

(a) This Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, direction or order directing the Respondent Collector, Solapur to take a reasoned decision on

the Petitioner's Applications dt. 06-10-2021, Reminder Applications dt.11-10-2021, 09-11-2021 filed u/s. 135 of the M.L.R.Code, 1966 filed for deciding boundary disputes pertaining to the land of the petitioner.

3. The petitioner is a Co-operative Housing Society viz. Shrishail Paarvati Sahakari Gruhnirman Sanstha Ltd. (Regd.) duly registered under the provisions of law. Initially, the petitioner had approached this Court by filing writ petition No.3523 of 2016 and the principal prayers were in the nature of declaration direction for lapsing of reservation. Vide judgment and order dated 6th March, 2017 of this Court, the petition was allowed in terms of prayer clauses (a) and (b). The petitioner-society then submitted an application/representation to the Collector as well as Divisional Forest Officer for deciding the boundary dispute under Section 135 of the Maharashtra Land Revenue Code, 1966. The grievance raised in the said application/representation is that the neighbouring land owners i.e. one of the wing of the Department of Forest, Samajik Vanikaran, has constructed boundary wall on the land of the petitioner. As the application/representation was pending before the authority for considerable period, the petitioner forwarded reminder on 11th October, 2021, a copy of the application/representation as well as reminders are placed on record at Exhibits - D and E, pages 29 and 30 to 32

respectively. The petitioner, after waiting for considerable time, found that there was no response and, therefore, filed the present writ petition in this Court on 24th June, 2022.

4. This being the limited grievance raised in the petition, respondent No.1 – Collector of Solapur is directed to decide the application/representation dated 6th October, 2021 by adhering to the procedure and provisions under the Maharashtra Land Revenue Code, 1966. Needless to state that respondent No.1-Collector to decide the said application/representation on its own merits. Accordingly, the writ petition stands disposed of.

5. All concerned to act upon a copy of this order, duly authenticated by the Registry of this Court.

(KISHORE C. SANT, J.)

(PRASANNA B. VARALE, J.)