

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 4532 of 2021

[Mr. Dhanraj S/o Gopalrao Amle and ors. ..vs.. Commissioner, Nagpur Division, Nagpur and anr.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Tejas S. Kene, Advocate for the petitioners

CORAM : ROHIT B. DEO, J.

DATED : 21-01-2022

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. The order dated 14-1-2022 reads thus :

"I was not inclined to entertain the petition in exercise of writ jurisdiction and the reason is it is admitted that the petitioners have encroached on the government land. It is true, as is submitted by the learned counsel for the petitioner, that the permission of the Collector should have been obtained before initiating the removal of unauthorized occupation since the land vests in the Government which has purchased the same vide sale deed executed in the year 1960.

2. At this stage, the learned counsel for the petitioners states, that the petitioners undertake to completely and without any demur vacate the site and remove the encroachment within 72 Hours of the Collector permitting the Gram Panchayat to remove the encroachment.

3. I note that while the Gram Panchayat does not appear to have obtained the permission, the

government machinery appears to have been activated by the Tahsildar who has also asked for police protection.

4. Be that as it may, in view of the statement made, list on 21-1-2022, to consider the undertaking, if filed till then.”

3. Learned counsel for the petitioners fairly states that his clients are now not ready to furnish undertaking.

4. Even *de hors* the conduct of the petitioners, I decline to interfere in writ jurisdiction since the petitioners are irrefutably encroachers on government land.

5. The petition is dismissed.

JUDGE