

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 6578 OF 2022

Satyabhamabai Tejrao Wankhade and ors __ Vs. __ The State of Maharashtra and ors

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

Court's or Judge's orders

Mr. S.D.Tatake, Advocate for petitioners
Mr. N.R.Patil, AGP for respondents.

CORAM : AVINASH G. GHAROTE, J.
DATE : 19/10/2022

1] Heard Mr. Tatake, learned counsel for the petitioner and Mr. Patil, learned AGP for respondent/State.

2] The claim of the petitioner to continue in occupation of the land in question already stands adjudicated by the Civil Court in RCS No. 23/2019, decided on 18.8.2021 wherein by virtue of the answer to issue no.1, the claim of the petitioner based upon the regularization of their encroachment by the order dated 4.3.1992 by the Tahsildar, Mehkar already stands adjudicated and has been answered in the negative.

3] An appeal there against is already pending, as is claimed by the learned counsel for the petitioner, in view of which, I do not see any reason to interfere in the impugned orders, which have been challenged in this petition. The petition is therefore dismissed. No costs.

4] However, the respondents shall not act upon the notice for removal of encroachment issued in pursuance to the impugned order dated 19.7.2022 passed by the Collector, Buldhana, for a period of 20 days from today, in order to enable the petitioner to file appropriate application before the appellate Court seeking a relief in that regard.

JUDGE

Rvjalit