

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

WRIT PETITION NO.4806 OF 2022

1. Bhagwan Shankar Bawaskar
Aged about 60 years,
Occ. Farmer, R/o Post Katyar,
Dist. Akola, Maharashtra- 444003
2. Sitabai Akaram Zade
died on 18/11/2017
Through her son
Gajanan Akaram Zade
Aged about 32 years,
Occ. Farmer, R/o Post Dahihanda,
Dist. Akola, Maharashtra 444003
3. Gopalsingh Ramrao Daberao
Aged about 55 years,
Occ. Farmer, R/o Post Katyar,
Mhaisang, Dist. Akola,
Maharashtra-444003
4. Shalikram Laxman Solanke
Aged about 49 years,
Occ. Farmer, R/o Post Katyar,
Wadad Akola, Dist. Akola,
Maharashtra-444003
5. Gokulsingh Zamsingh Solanke
Aged about 47 years,
Occ. Farming, Post Mhaisang,
Dist. Akola, Maharashtra 444003

... Petitioners

-vs-

1. State of Maharashtra,
Through its Secretary,
Revenue and Forest Department,
Mantralay, Mumbai - 32
2. The Collector,
Collector Building,
Akola District, Akola

3. Sub Divisional Officer Akola,
Collector Officer Akola,
Tah. And Dist. Akola

4. Tahsildar,
Tah. And Dist. Akola

... Respondents.

Smt Smita Taksande, Advocate for petitioners.

Shri Amit Madiwale, Assistant Government Pleader for respondents.

CORAM : A. S. CHANDURKAR AND ANIL L. PANSARE, JJ.

DATE : December 20, 2022

Judgment : (Per : A. S. Chandurkar, J.)

Rule. Rule made returnable forthwith and heard the learned counsel for the parties.

The petitioners have approached this Court seeking a direction that they may be permitted to continue their occupation of E and F Class lands at respective Gat numbers, Mouza Katyar, District Akola. Inviting attention to the order passed in Public Interest Litigation No.89/2013 (*Kal Ke Liye, Main Line, Amravati vs. The Collector, Amravati and ors.*) it is submitted that this Court had permitted ascertainment of the status of the petitioners therein to consider their entitlement to regularisation of their occupation in similar circumstances.

2. On 07/12/2022 time was granted to the learned Assistant Government Pleader to obtain instructions from the respondent No.2-Collector in the backdrop of the fact that the eviction drive is to be initiated from 19/12/2022 and to consider whether similar course as followed in Public Interest Litigation No.89/2013 could be followed in the present writ petition. Today the learned

Assistant Government Pleader on instructions submits that similar course could be followed in the present matter.

3. Accordingly by following the directions that were issued in Public Interest Litigation No.89/2013 to consider the grievance of the petitioners, they are directed to remain present before the Collector at Akola on 28/12/2022 after which the Collector shall consider the request made by them expeditiously keeping in mind the relevant policy decisions as well as the judgment of the Honourable Supreme Court in *Jagpal Singh and ors. vs. State of Punjab and ors. AIR 2011 SC 1123*. The decision taken be communicated to the petitioners.

With aforesaid directions the writ petition is disposed of. Rule accordingly. No costs. Civil Application No.2875/2022 also stands disposed of accordingly.

(Anil L. Pansare, J.)

(A. S. Chandurkar, J.)

Asmita