

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.3631 OF 2020**

**SARVOTTAM SITARAM JADHAV
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS**

...

Mr. D. R. Adhav, Advocate for the Petitioner.
Mr. S. B. Pulkundwar, AGP for Respondents-State.
Mr. P. V. Barde, Advocate for Respondent No.5.

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**CORAM : NITIN W. SAMBRE AND
S. G. CHAPALGAONKAR, JJ.**

DATE : 25th APRIL, 2023.

P.C:-

1. As far as issue of encroachment is concerned, the fact remains that the date on which the petitioner was handed over the possession by the respondent-Farming Corporation the petitioner have accepted the same without any demur.

2. In view thereof, it shall be open for the petitioner to take recourse to the civil proceedings for the purpose of removal of encroachment.

3. As far as the claim of the petitioner for exchange of the land is concerned, admittedly in response to the claim made by the petitioner to respondent no.5 to that effect, on 18th June, 2017 respondent no.5 has asked the petitioner to approach the Collector.

4. In view of the above, learned counsel for the petitioner submits that he shall approach the Collector for exchanging the land in question which was allotted by respondent no.5. In case, such request is made by the petitioner, the Collector is directed to decide the same expeditiously.

5. Writ Petition is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE

(NITIN W. SAMBRE)
JUDGE