

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3302 OF 2023

Parasram Namdev Shelke and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Y. K. Bobade, Advocate with Shri A. B. Shinde, Advocate for the Petitioners.

Shri A. R. Kale, A.G.P. for the Respondent Nos. 1 to 6.

**CORAM : S. V. GANGAPURWALA, ACJ &
 S. G. CHAPALGAONKAR, J.**

DATE : 24TH MARCH, 2023.

FINAL ORDER :

. The petitioners seek directions to regularize their encroachment.

2. The learned Assistant Government Pleader for respondent Nos. 1 to 6 submits that alleged encroachment is on the government gayran land. Same cannot be regularized in view of the judgment of the Apex Court in the case of **Jagpal Singh and others Vs. State of Punjab and others decided on January 28, 2011 in Civil Appeal No. 1132 of 2011.**

3. The learned counsel for petitioners relies on the Government Resolution dated 28th November, 1991.

4. It is submitted by the learned A. G. P. that subsequently also Government Resolution is issued, wherein it is mentioned that such encroachment cannot be regularized.

5. Be that as it may, the petitioners have filed applications/representations (Page Nos. 49 to 58). In case same are pending with the respondent No. 3/District Collector, Nanded, decision may be taken by the authority concerned after following appropriate procedure, on its own merits, in accordance with law and policy. Same be decided expeditiously. The writ petition is disposed of. No costs.

[S. G. CHAPALGAONKAR, J.]

[ACTING CHIEF JUSTICE]

bsb/March 23