

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

7 WRIT PETITION NO.6137 OF 2023

SANTOSH JIJA JOGDAND AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

Mr.Avinash Nagarkar h/f Mr.R.K.Mokale, Advocate for the Petitioners.
Mr.S.B.Yawalkar, AGP for the Respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.)

DATE : JULY 3, 2023

PER COURT :

1. On 12.06.2023, we had passed the following order :-

"1. The learned Advocate for the Petitioners submits that he desires to research as well as go through the law laid down by the Hon'ble Supreme Court in the case of Jagpal Singh and others Vs. State of Punjab and others - (2011) 11 SCC 396, and so also address the Court whether the High Court can grant such a direction.

2. He seeks two weeks time.

3. List this Petition on 03.07.2023 for further hearing and passing orders."

2. The learned Advocate for the Petitioners cites before us a

discretionary order passed by this Court (Coram : Mangesh S.Patil and S.G.Chapalgaonkar, JJ.) dated 01.02.2023 in WP No.1261/2023 filed by **Keshav Sampat Tupe Vs. The State of Maharashtra, through its Secretary and Others.**

3. In the present case, admittedly the land on which the Petitioners have encroached upon, is a *Gairan* land. The learned Advocate for the Petitioners pray that the pending representation dated 25.04.2023, may be considered by the Revenue Authorities.

4. Considering the law laid down in **Jagpal Singh (supra)**, we are of the view that we can not direct the Government to regularise the encroachment on a *Gairan* land. All that can be said at this stage is that the pending representation of the Petitioners dated 25.04.2023, may be considered in the light of the judgment delivered in Jagpal Singh (supra). We make it clear that we have not expressed any opinion on the merits of the request of the Petitioners. The concerned Authorities are at liberty to deal with the same strictly in accordance with Law, as is applicable.

5. With the above observations, **this Petition is disposed off.**

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)