

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7347 OF 2023

AKHILESH SHARAD LANDAGE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. S. V. Suryawanshi, Advocate for Petitioner
Mr. V. M. Kagne, AGP for Respondent – State
Mr. S. B. Munde, Advocate for Respondent Nos. 4 and 5
Mr. S. B. Ghute, Advocate for Respondent No.6

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

DATE : 14.07.2023

PER COURT :-

1. After hearing the learned Advocates for the respective sides, we are reminded of an old Hindi phrase, "*Uta Chor Kotwalko Dante*", of course without meaning any disrespect to any litigating party.

2. The Petitioner is before us alleging that there are encroachers and notices issued to the encroachers should be taken to a logical conclusion.

3. The learned Advocate representing the Grampanchayat through the Gramsevak, submits on the basis of the record that it is actually the petitioner who is an encroacher

and he has blocked the natural flow of a rivulet. As a consequence, the water is getting clogged and therefore, the Petitioner is now before the Court alleging that encroachers have created this situation.

4. The learned Advocate for the Petitioner submits that he is agreeable if a panchanama is carried out in the presence of the Petitioner and all such farmers who are alleged to be encroachers. The Petitioner undertakes that he will not refuse to accept notice and he assures that he will remain present whenever the panchanama is to be carried out, without any excuse. He further submits that whoever may be found to be an encroacher, he be subjected to action be taken and he would not object even if he is found to be an encroacher.

5. Having recorded the above statements, **this writ petition is disposed off** with liberty to the Grampanchayat to proceed strictly in accordance with the provisions of law and issue a notice for joint panchanama to all the farmers including the Petitioner and thereafter initiate action as is permissible in law, expeditiously.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

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