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

48 WRIT PETITION NO.9218 OF 2023

**BALU HIRAJI PALAVE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

....

Mr R. S. Kasar, Advocate for Petitioner;
Mr V. M. Kagne, A.G.P. for Respondents/State

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

DATE : 31st July, 2023

PER COURT:

1. The Petitioner contends that an encroachment has taken place on a Canal and the residents of the village Grampanchayat Mehakari are unable to utilise the water. The Grampanchayat itself has moved the revenue authorities for removal of encroachment. The District Collector has also directed that appropriate steps be initiated.

2. The learned A.G.P. points out that, the alleged encroachers are not before this Court, as they are not arrayed as Respondents. His instructions are that, those persons have their dwellings for more than 40 to 50 years.

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3. In view of the above, we direct the District Collector to look into this issue and follow the due procedure laid down in law. If any of his subordinates are required to be issued with directions, he may accordingly do so. Needless to state, the procedure as is applicable and the principles of natural justice, shall be adhered to, by initiating any action against the encroachers.

4. With the above directions, **this petition is disposed off.**

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk