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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 12495 OF 2022

Ganesh Madhukar Gite and Ors.

....Petitioners

V/s.

Grampanchayat Somthane Village,
Through its Gramsevak/Sarpanch
and Ors.

...Respondents

Ms. Rukmini Khairnar i/b Mr. Pramod Joshi for Petitioners.
Mr. A.I. Patel, Addl. G.P. a/w Mr. S.H. Kankal, AGP for State.
Mr. R.N. Gite a/w Mr. Rohit D. Gorade for Respondent No.1.
Mr. Sejal Todkar i/b Mr. Ashwin Kapadnis for Respondent Nos.3 and 6.

**CORAM : K.R. SHRIRAM &
NEELA GOKHALE, JJ.
DATED : 19th OCTOBER 2023**

P.C. :

1. Petitioners are encroachers on government land and want their encroachments to be regularized. Petitioners are seeking directions to respondents to take appropriate decision on the various representations made by petitioners. Ms.Khairnar states that it is Respondent No.2, the Collector, Nashik who has to take the decision.

2. Respondent No.2 has filed an affidavit saying no such representations have been filed. Ms. Khairnar states that she has a copy of the representation on which there is an acknowledgment by the office of Respondent No.2. If that is the case copies of the representations may be re-filed with Respondent No.2. Respondent No.2 shall consider the representations and dispose it in accordance with law.

3. At this stage, it is necessary to record that Mr. Gite appearing for Respondent No.1 – Grampanchayat states that the Grampanchayat has passed a resolution that all encroachments should be removed. It is also so stated in the reply filed by Respondent No.1. The Collector will consider that reply as well as hear Respondent No.1 and other parties.

4. Ms. Khairnar states petitioners are relying on the subsequent resolution in which the Grampanchayat has recommended the encroachments shall be regularized. Whether any encroachments can be or should be regularized shall be decided by the Collector strictly in accordance with law and he cannot and shall not be influenced by any recommendations from or pressurised by anyone to regularize the encroachments/illegal structures.

5. Petition disposed.

(NEELA GOKHALE, J.)

(K.R. SHRIRAM, J.)