



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition (WP) No. 1470 of 2020

Jagdish Wasudeo Bhumbhar

Versus

Additional Commissioner, Amravati Division, Amravati and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P.A.Kadu, Advocate for the petitioner.

Shri Ambarish Joshi, AGP for the respondent/State.

Shri P.S.Patil, Advocate for the respondent nos. 3 and 4.

CORAM : ANIL S. KILOR, J.

DATED : 23rd OCTOBER, 2023.

Heard.

2. This matter pertaining to direction by the Additional Collector, Amravati vide impugned order dated 31st January, 2015 to the petitioner to remove encroachment allegedly made on the Government land. Such order passed by the Additional Collector, Amravati came to be confirmed by the Additional Commissioner, Amravati in appeal filed by the petitioner vide impugned order dated 1st June, 2015. This order of Additional Collector, Amravati and the Additional

Commissioner, Amravati are the subject matter of this writ petition.

3. The petitioner has come up with a document issued by the Gram Panchayat on 1st October, 2020 i.e. during the pendency of the present writ petition and further the order of the Additional Collector and the Additional Commissioner, stating that the alleged encroachment made by the petitioner is on plot no.11 of Shri Wasudeo K Bhumbar. The petitioner therefore submits that in view of this report, it can safely be said that there is no encroachment made by the petitioner on the government land. I do not find any favour for the said submission made by the petitioner for the reason that in this matter the action was initiated against the petitioner suddenly the Gram Panchayat has taken U-turn states that the alleged encroachment is not on the Government land but on a private land. Thus, there are two reports of the Gram Panchayat one say that the petitioner has encroached upon the government land and the another report which was obtained during the pendency of the present writ petition that there is no encroachment on the government land.

4. In the circumstances as there is a disputed question of fact whether there is encroachment on the government land or not, therefore, I do not want to

entertain this writ petition for want of jurisdiction. Accordingly, the present writ petition is dismissed.

5. At this stage, learned counsel for the petitioner seeks liberty to approach to the appropriate forum for seeking declaration that the petitioner has not made any encroachment on the Government land. As this Court has declined to entertain the present writ petition in view of the fact that there are disputed question of facts involved in the present writ petition, liberty is granted to the petitioner to approach to the appropriate forum by filing appropriate proceeding as permissible under the law for such declaration.

6. Interim relief granted by this Court vide order dated 16th June, 2020 shall continue for four weeks and on expiry of the period of four weeks, it shall stand automatically vacated.

[ANIL S. KILOR, J.]