



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

914 WRIT PETITION NO. 7913 OF 2024

VITTAL SAYYANA BHANDERWAR

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

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Shri Tekwad Shivanand D., Advocate for the Petitioner.
Shri R.S. Wani, AGP for Respondent Nos.1 and 2/State.

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

DATE :- 07th August, 2024

Per Court :-

1. The Petitioner claims to be an encroacher on the Gairan land. Along with him, there are 76 encroachers, out of which, 75 are not before the Court. It is stated that the Degloor Municipal Council has resolved to regularize such encroachments.

2. In matters filed for seeking a Writ of Mandamus to regularize the encroachment, this Court has to assess as to whether, the claim of such Petitioners would fall within the ambit of *Jagpal Singh and others vs. State of Punjab and others*,

(2011) 11 SCC 396. The primary issue while considering such claims would be that the persons before the Court, should be members of the Scheduled Caste/ Scheduled Tribe categories or landless labourers or if there is school, dispensary or other public utility existing on the said land.

3. By the order passed by this Court (Coram : Devendra Kumar Upadhyaya, CJ. & Kishore C. Sant, J.) dated 25.07.2024 in Writ Petition No. 5099/ 2022 filed by ***Nandkishor Dhonduji Salwe Vs. State of Maharashtra and others***, this Court recorded that the said Petitioner was covered by the contingencies set out in ***Jagpal Singh (supra)*** and directed the Government to consider the case of the Petitioner in the light of the Government Resolution dated 12.07.2011. The Collector, Hingoli was directed to look into the claim of the Petitioner.

4. In the present case, the Petitioner has showed his occupation as an agriculturist and clearly submits that he belongs to the Other Backward Class (OBC) category and does not belong to the SC category. He is not covered by the law laid down in ***Jagpal Singh (supra)***.

5. In view of the above and considering the directions of this Court in *Nandkishor Dhonduji Salwe (Supra)*, **this Writ Petition is dismissed.**

kps

(Y. G. KHOBRAKAGE, J.)

(RAVINDRA V. GHUGE, J.)