



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

WRIT PETITION NO. 8409 OF 2024

**MAJALGAON BHUMIPUTRA SANGHATANA THROUGH ITS
PRESIDENT AND OTHERS**

VERSUS

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

....

Mr. M. P. Kale, Advocate for the Petitioners

Mr. N. S. Tekale, AGP for the Respondent – State

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

DATE : 12.08.2024

PER COURT :-

1. This Petition has been filed by Majalgaon Bhumiputra Sanghatana along with two others, praying for removal of alleged encroachments in Mouje Telgaon (Khurd), Taluka Majalgaon, on the gaathan land. It is alleged that there is an encroachment even on the school land, the public washrooms, garden, cremation ground and the temple area. According to the Petitioners, there are several encroachers who have not been arrayed as Respondents.

2. It is obvious that in such matters, the Court has to first identify the purported encroachers. The extent of encroachment has to be investigated and a conclusion has to be drawn as regards the exact encroachment made. Once it is established by measurement of the lands and after pin pointing the encroachments, the encroachers have to be evicted by following the due procedure laid down in law.

3. Keeping in view the ratio laid down by the Hon'ble Supreme Court in *City and Industrial Development Corporation Vs. Dosu Aardeshir Bhiwandiwalla and others*, AIR 2009 SC 571, wherein it is held that disputed questions should not be investigated into by this Court, and more so when there are no encroachers impleaded in this petition, this Petition must fail.

4. In view of the above, **this Writ Petition is disposed off.** If the Petitioner desires to approach the learned Civil Court, for availing of a remedy as may be permissible in law, all contentions are kept open and the disposal of this Petition would not be an impediment.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]