

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

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LAXMAN
DILWALE

Date: 2024.06.18
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WRIT PETITION NO.4676 OF 2024

1. Smt. Shama Babulal Kureshi)
Age : 63 years, Occ.: Labour)
2. Mr. Nijamuddin Qureshi,)
Age: 59 years, Occ: Labour)
3. Mr Rashid Shamshuddin Qureshi)
Age : 39 years, Occ.: Labour)
4. Smt. Tabassum Qureshi,)
Age : 32 years, Occ.: Labour)
5. Mr. Saddam Nijamuddin Qureshi,)
Age : 32 years, Occ. : Labour)
6. Mr. Vikas Eknath Kamble,)
Age : 48 years, Occ.: Labour)
- All having their addresses at :)
Survey No.417/1, 2, 3, 4, at : Kondhave)
Dhawade, Tal. Haveli, Dist. Pune.).. Petitioners

Versus

1. The Tahsildar,)
Haveli, Dist. Pune.)
2. Resident Nayab Tahsildar,)
Haveli, Dist. Pune.)
3. Sub-Divisional Officer,)
Having, Dist. Pune)
4. The Collector, Pune,)
Having Office at Collector Office,)
Dist. Pune)

5. The State of Maharashtra,)
6. Jay Sevalal Vikas Sahagruhnirman, Sanstha)
Through its Secretary,)
Having its office at Survey No.417/)
1A, 2, 3, 4 at : Kondhave)
Dhawade, Tal. Haveli, Dist. Pune.) .. Respondents

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Mr. Mandar Limaye, Advocate for the Petitioners.

Ms. Kavita N. Solunke, AGP Advocate for the Respondent-State.

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**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 18th JUNE 2024.

ORAL JUDGMENT :(PER : A. S. CHANDURKAR, J)

1. Rule.
2. Considering the nature of directions proposed to be issued, service of notice on Respondent No.5 is dispensed with. The learned Additional Government Pleader waives notice for Respondent Nos.1 to 4.
3. On 05/09/2023, the Nayab Tahsildar issued notice to the petitioners calling upon them to show cause why the alleged encroachment made on their behalf should not be removed under Section 50 of the Maharashtra Land Revenue Code, 1966. In response to the aforesaid notice, the petitioners submitted their reply on 11/09/2023. The petitioners apprehend their dispossession pursuant to said notice without considering their response.
4. In the aforesaid circumstances, the following directions would serve

the ends of justice :

i) The Respondent No.1 Tahsildar shall hear the petitioners as well as Respondent No.6 on the notice issued by the Tahasildar on 05/09/2023. Respondent No.1 shall consider the reply filed by the petitioners and after hearing all concerned parties, take a decision thereon in accordance with law.

ii) In case the petitioners apply for regularization of their possession over the property by adopting the prescribed procedure, such application shall be considered in accordance with law. The entire exercise be conducted within a period of six weeks of receiving copy of this order. Till the notice dated 05/09/2023 is adjudicated, the possession of the petitioners shall be protected. Needless to state that if the Tahsildar finds that the petitioners are not eligible for protection, the petitioners may adopt appropriate legal recourse in accordance with law. In case any order adverse to the petitioners is passed, the same shall not be implemented for period of three weeks. Ordered accordingly.

5. The writ petition is disposed of in aforesaid terms with no order as to costs.

[RAJESH S. PATIL, J]

[A.S. CHANDURKAR, J.]