

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

**RAMESHWAR
LAXMAN
DILWALE**

WRIT PETITION NO.9963 OF 2024

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RAMESHWAR
LAXMAN DILWALE
Date: 2024.07.25
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Shri. Swami Jagadguru Shankarcharya	}
Peeth, Karveer	}
2299, D-Ward, Shukrawar Peth,	}
Kolhapur-146 002.	}
Being Represented Through its	}
Secretary through GPA	}
Shivaswarup Chandrakant Bhende	}
Age : 54 years, Occ: Agri,	}
R/o. Plot No.17, Mangirish,	}
Radha Nagari Road,	}
A-1 Colony, Jivaba Nana Jadhav Park,	}
Kolhapur.	}.. Petitioner

VERSUS

- | | |
|--------------------------------------|------------------------|
| 1. The State of Maharashtra | } |
| Through its Principal Secretary | } |
| Revenue and Forest Department, | } |
| Maharashtra State, Mantralaya, | } |
| Mumbai-32. | } |
| (Copy to be served on Govt. Pleader | } |
| High Court of Judicature of Bombay) | } |
| 2. The Divisional Commissioner Pune, | } |
| Pune Region, Pune. | } |
| 3. The Collector, | } |
| Kolhapur, Dsit. Kolhapur. | } |
| 4. The Joint Charity Commissioner, | } |
| Kolhapur. | }.. Respondents |

Mr. Nitin Gaware Patil with Mr. Divyesh K. Jain, Advocates for petitioner.

Mr. N. C. Walimbe, Addl. GP with Mr. S. P. Kamble, AGP for the respondent-State.

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

DATE : 25th JULY, 2024.

JUDGEMENT : (PER : A. S. CHANDURKAR, J)

1. Rule. The learned Additional Government Pleader waives notice for respondents. The petitioner is a Public Trust registered under the Maharashtra Public Trust Act, 1950 which has filed this writ petition through its Secretary seeking a decision to be taken on the prayer made by it for benefit under the Circulars dated 30/07/2010 and 06/11/2018. Its grievance is that action is required to be taken against alleged trespassers/encroachers on the lands of the Trust. Despite having made representations dated 30/08/2021 and 12/03/2022, there has been no action taken.

2. In these facts, the following directions would serve the ends of justice:-

I) The representation dated 30/08/2021 made on behalf of the Trust to the Collector, Kolhapur shall be considered in accordance with the aforesaid policy decisions dated 30/07/2010 and 06/11/2018 within a period of eight weeks of receiving copy of this judgment. The representatives of the Public Trust as well as all concerned likely to be affected shall be heard before any decision is taken. In case the Trustees are not satisfied with the outcome of such exercise, they are free to

take further steps in accordance with law.

3. Rule is disposed of in aforesaid terms. No costs.
4. The parties to act on authenticated copy of the order.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]