



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1196 OF 2017

Gotum s/o Tatyrao Bhandare & Others. ... PETITIONERS

VERSUS

The State of Maharashtra & Others ... RESPONDENTS

.....

Mr. G.J. Kore, Advocate for Petitioners

Mr. M.K. Goyanka, A.G.P. for Respondents No.1 to 3

.....

CORAM: ALOK ARADHE, CJ. &
RAVINDRA V. GHUGE, J.

DATE: 19th MARCH, 2025.

ORAL JUDGMENT (PER : CHIEF JUSTICE) :

1. Rule. Rule is made returnable forthwith. By consent of the learned Counsel for the parties, the Writ Petition is heard finally.

2. In this Writ Petition, the Petitioners *inter-alia* seek a direction to the Collector, Latur to make a plan for rehabilitation of the Petitioners on plots in Gut No.338 of village Kasti (Bu), District Osmanabad. The petitioners also seek direction to the Collector to allot the aforesaid plot to

the Petitioners. The Petitioners, in addition, seek a direction to the Collector to decide the representation dated 12/1/2017 and seek quashment of the letter dated 11/1/2017, issued by the Collector for removal of the encroachment.

3. Facts giving rise to the filing of the Writ Petition, briefly stated, are that, the Petitioners are residents of village Kasti (B), Taluka Lohara, District Osmanabad and claim to be victims of the 1993 earthquake, which hit the Latur district. According to the Petitioners, the land Gut No.338 of village Kasti (B), was allotted to the Petitioners. However, by the impugned notice dated 11/1/2017, the Petitioners are asked to hand over the possession of the plot in their possession. In the aforesaid background, the Petitioners have approached this Court.

4. We have heard the learned Counsel for the parties at length. In support of their claim that the land in question was allotted to them, the Petitioners have not annexed the copy of the order of allotment. It is conceded that no such allotment letter was issued. Therefore, the version of the

Petitioners that the plots of land were allotted to them is not worthy of acceptance.

5. It is pertinent to note that, in the cause title, the Petitioners have not disclosed their age. Therefore, it cannot be ascertained whether the Petitioners were the persons who were victims of the earthquake in 1993. Prima facie, the Petitioners do not have any title in respect of the land in possession and they seem to be encroachers. However, law requires that, an action even against an encroacher, has to be taken in accordance with law, in view of the decision of the Apex Court in case of **Lallu Yashwant Singh (dead) by his legal representative v. Rao Jagdish Singh & Ors., AIR 1968 SC 620.**

6. In view of the aforesaid, it is directed that any action for removal of encroachment shall be taken strictly in accordance with law. Needless to state that, in case the Petitioners are entitled to rehabilitation under any of the schemes framed by the State Government, it will be open for them to apply for the benefit of such rehabilitation scheme

which has been framed by the State Government.

Accordingly, the Petition is disposed off. Rule discharged.

(RAVINDRA V. GHUGE, J.)

(CHIEF JUSTICE)

FMPathan/-