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

943 WRIT PETITION NO. 1695 OF 2025

**SUBODH BABURAO WAKEKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS**

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Mr Subodh Baburao Wakekar, petitioner – party in person
Mr A. B. Girase, G.P. for respondents/State

**CORAM : MANGESH S. PATIL
AND
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 5th February, 2025

PER COURT:

1. We have heard the petitioner in person. He has filed
petition with following prayers :-

“C] By issuing writ of certiorari or any other appropriate writ or order or directions in the like nature, the impugned Communication Letter bearing Outward No. 2021/RBO2 /Land2/Gayran Land/W.S.-517, Dated 28/12/2021 issued by the Respondent No.3 District Collector, Aurangabad, may kindly be quashed and set aside and the Resp.No.3 Collector, Aurangabad may kindly be directed to regularize the Gayran Land in favour of petitioner.

D] By issuing writ of certiorari or any other appropriate writ or order or directions in the like nature, the impugned Communication Letter bearing Outward No. 96/RB Desk-2/Land-2/ Case No. 101, Dated 05.01.1999 issued by the Respondent No.3 District Collector, Aurangabad to Respondent No.5 - Tahsildar, Aurangabad, and the entire process of transfer

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of land based upon it vide Mutation Entry No.357 dtd. 4.2.1999 in respect of Lands Gut No.4 and 14 situated at village Wadgaon Kolhati, Tq. & Dist. Aurangabad, may kindly be quashed and set aside.

E] By issuing writ of certiorari or any other appropriate writ or order or directions in the like nature, the impugned Tender published in Daily Divya Marathi newspaper dated 26.08.2022 by the Respondent No.6 CIDCO, may kindly be quashed and set aside.”

2. The petitioner in person submits that, his father has been in occupation of a portion of gayran land since before 1990. His request of regularization has been pending with the authorities. No decision was taken and in the meantime, the decision of the supreme court dated 28/01/2011 in the matter of **Jagpal Singh and others Vs. State of Punjab and others, [(2011) 11 SCC 396]** (Civil Appeal No.1132/2011) and the subsequent policy in consonance with the direction had come into being by way of the Government Resolution dated 12/07/2011. He submits that he has a right to seek regularization in the light of the scheme/policy that was in force when the request for regularization was made for the first time prior to the decision in the matter of **Jagpal Singh (supra)**.

3. He would also advert our attention to the Clause 7(4) from the preface to the Government Resolution dated 12/07/2011 and

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would submit that, since all the earlier encroachments which were regularized, would not be affected by the change in the policy, he is entitled to derive the benefit on the premise that his proposal for regularization under the old scheme, remained undecided.

4. We need not delve deep except by pointing out that, in the light of the landmark decision in the matter of Jagpal Singh (supra), the entire scenario in the matter of encroachment over the gayran land across the country has undergone a sea change. All other earlier policies would stand superseded by the judgment. The Government Resolution dated 12/07/2011 pronounces a policy of the State Government in the light of decision/direction in the matter of Jagpal Singh (supra). Only the encroachments which were already regularized prior to that Government Resolution stand protected as an exception to the other part of the resolution requiring removal of the encroachments from the gayran lands.

5. The issue as regards which of the policy/scheme would be applicable to the encroachment which had happened prior to Government Resolution dated 12/07/2011 in the matters like the petitioners, where his proposal has been pending for regularization, the issue has been squarely covered and dealt with elaborately by the

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learned Single Judge in the matter of **Bhagwan Kisan Wagh and others Vs. State of Maharashtra and others**, [2017 (2) Mh.L.J. 425], which we have approved.

6. The writ petition is dismissed.

(PRAFULLA S. KHUBALKAR, J.) **(MANGESH S. PATIL, J.)**

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