



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

PUBLIC INTEREST LITIGATION NO.28 OF 2022

Baliram s/o Pandit Kadam

... Petitioner

VERSUS

The State of Maharashtra & Ors.

... Respondents

.....
Mr. G.N. Patil, Advocate for petitioner

Mr. A.B. Girase, Government Pleader for State

.....

**CORAM : SHREE CHANDRASHEKHAR, CJ. &
RAVINDRA V. GHUGE, J.**

DATE : 17th OCTOBER, 2025

P.C. :

The proceedings in this Public Interest Litigation disclose that the petitioner did not prosecute this case ever since it was instituted. The learned Government Pleader refers to an order passed by this Court in Public Interest Litigation No.127 of 2022, wherein directions were issued for removal of encroachment on public/ Government land. In the order dated 8/8/2025, this Court issued following directions in Public Interest Litigation No.127 of 2022 :

“5. We have considered the rival submissions made by the parties. No individual has a right to encroach upon the Government land or Gairan land. However, whether or not any individual has encroached upon

the public land is a question of fact, which cannot be adjudicated in these summary proceedings under Article 226 of the Constitution of India. Therefore, in the peculiar facts and circumstances of the case, we deem it appropriate to issue the following directions in all the petitions:

(i) The jurisdictional Collectors shall issue notice to the petitioners as well as to the unofficial respondents and the interveners and every other person who may be in occupation of the Government land/Gairan land;

(ii) The jurisdictional Collectors shall carry out a survey to ascertain the encroachment on the subject lands;

(iii) The jurisdictional Collectors, thereupon, afford an opportunity of hearing to all parties and to submit documents in support of their claim/s;

(iv) In case the subject lands are found to be Government/Gairan lands, the jurisdictional Collectors shall initiate action for removal of encroachment in accordance with law;

(v) The aforesaid exercise shall be carried out by the jurisdictional Collectors within a period of six months from today;

(vi) Learned Government Pleader undertakes that necessary assistance of police shall be provided to the officers for removal of encroachment from the Government/Gairan lands;

(vii) Needless to state that any person aggrieved by the order directing removal of the encroachment shall be at liberty to take recourse to such remedy as may be available to them in law.

6. It is clarified that this Court has not expressed any opinion on the merits of the case.”

2. We may further add that, in any proceedings initiated by the Jurisdictional Collector, the rights accrued to the

persons who are the alleged encroachers on account of lapse of time must be considered by him. The Jurisdictional Collector shall also take note of any pending proceeding initiated by the alleged encroachers.

3. Public Interest litigation No.28 of 2022 is disposed of.

(RAVINDRA V. GHUGE, J.)

(CHIEF JUSTICE)

FMPathan/-