



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

**17 REVIEW APPLICATION (CIVIL) NO. 31 OF 2025
IN WP/1695/2025**

**WITH
CIVIL APPLICATION NO. 6886 OF 2025
IN RA/31/2025**

**SUBODH BABURAO WAKEKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Mr. Subodh Baburao Wakekar – Party-in-person
Mr. A. B. Girase, Government Pleader for Respondent Nos.1 to 5
Mr. S. V. Deshmukh, Advocate for Respondent No.6

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**CORAM : MANISH PITALE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 11.08.2025

PER COURT :-

1. Heard the Review Applicant in person.
2. By this Review Application, the Applicant seeks review of order dated 05.02.2025, passed by the Division Bench of this Court (Coram: Mangesh S. Patil and Prafulla S. Khubalkar, JJ.), whereby Writ Petition No.1695 of 2025 filed by the Petitioner was dismissed.

3. According to the Applicant in person, the said order needs to be reviewed in the light of the contentions raised in the Review Application, as also orally argued before this Court.

4. The learned Government Pleader appearing for the Respondent State Authorities, as well as the learned counsel for the City and Industrial Development Corporation (CIDCO), have opposed this Review Application and they submit that there is no substance in the same.

5. The aforesaid Writ Petition No.1695 of 2025, was filed by the Petitioner seeking quashing and setting aside of a communication dated 28.12.2021, addressed to the father of the Petitioner, refusing the prayer for regularization of encroachment on *Gayran* land. A further prayer was made for setting aside the allotment of the said land in favour of the Respondent CIDCO, made as far back on 05.01.1999 and a further prayer was made for setting aside an advertisement issued on 26.08.2022 by CIDCO in the context of the land allotted to it.

6. The Applicant, appearing in person, submits that the order passed by this Court dismissing his Writ Petition did not

properly apply the ratio of the judgment of the Hon'ble Supreme Court in *Jagpal Singh and Others vs. The State of Punjab and Others, (2011) SCC 396*. He contends that the Government Resolution dated 12.07.2011, which reflects the policy of the State in light of the said judgment, could not have been applied to the case of the Petitioner, as the prayer for regularization was made by the Petitioner and his predecessor as far back as the year 1993. It is submitted that, in this context, the aforesaid judgment of the Supreme Court as well as the said Government Resolution ought not to have been relied upon while dismissing Writ Petition No. 1695 of 2025.

7. It is further brought to our notice that by a recent order dated 27.03.2025, the Collector had granted relief for regularisation to the similarly situated person, thereby showing the discriminatory manner in which the Petitioner's case has been dealt with.

8. The learned Government Pleader, as well as the learned counsel appearing for CIDCO, submitted that the order dated 05.02.2025 passed by this Court correctly takes into consideration the law laid down by the Supreme Court and the policy framed by the State in that context. The attention of this Court was further invited to the order dated 06.10.2022, passed in Suo Motu Public Interest

Litigation No. 2 of 2022, concerning the issue of rigorous implementation of the directions contained in the said judgment of the Supreme Court in the case of *Jagpal Singh* (supra).

9. We have considered the rival submissions. In the order dated 05.02.2025, this Court referred to the judgment of the Supreme Court in the case of *Jagpal Singh* (supra), as well as the Government Resolution dated 12.07.2011, which reflects the stated policy of the Respondent State Authorities in light of the dictum laid down in the said judgment. After applying the same, this Court found no merit in Writ Petition No. 1695 of 2025, and it was accordingly dismissed.

10. We are of the opinion that the Applicant in person has not been able to demonstrate any apparent error on the face of the record of the order dated 05.02.2025 dismissing Writ Petition No.1695 of 2025, particularly for the reason that all the relevant issues concerning the same were duly noted and pronounced upon by this Court in the said order.

11. Apart from this, there is no substance in the contention raised by the Applicant that, since the prayer or request for regularization of the encroachment was made by the predecessor of

the Petitioner in the year 1993, the judgment of the Supreme Court in the case of *Jagpal Singh* (supra) and the Government Resolution dated 12.07.2011 would not apply to the facts of the present case. It is to be noted that the directions of the Supreme Court in the case of *Jagpal Singh* (supra) deal with the issue of rampant encroachments on lands belonging to the Grampanchayat and meant for the common use of the villagers of the respective villages. In paragraph 22 of the said judgment and order, the Supreme Court kept open a very narrow window for regularization in exceptional cases, such as, where a lease had been granted under some notification, where the occupants belonged to the Scheduled Castes/Scheduled Tribes, or where there was already a school, dispensary, or other public utility on the land.

12. The said narrow window is clearly not available in the facts of the present case. The applicability of the said judgment and the consequent Government Resolution dated 12.07.2011 by the Respondent State, cannot be avoided by the Petitioner by claiming that the prayer for regularization was made in 1993.

13. In any case, the Petitioner does not dispute the fact that the predecessor was aware about allotment of the subject land to

CIDCO, as far back on 05.01.1999, while the initial Writ Petition was filed by the father of the Petitioner in the year 2021 and the aforesaid Writ Petition came to be filed in the year 2025. On that count also, we find no substance in the present Review Application.

14. Insofar as the order passed on 27.03.2025 in the case of a particular individual is concerned, the Applicant cannot claim parity, simply for the reason that the said order itself records that a recommendatory favorable report was submitted as far back as 19.10.2011 in the facts of that case, which led to the issuance of the said order dated 27.03.2025. Therefore, no case of discrimination is made out on behalf of the Applicant.

15. There is no apparent error on the face of the record demonstrated by the Review Applicant. Accordingly, the Review Application is dismissed. Pending applications, if any, also stand disposed of.

[Y. G. KHOBRAGADE, J.]

[MANISH PITALE, J.]