



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

**983 WRIT PETITION NO. 2099 OF 2021
WITH WRIT PETITION NO. 11935 OF 2022**

**AVADHUT TATYARAO KHANSOLE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for the Petitioner : Mr. Arvind Sheshrao Deshmukh
AGP for Respondents/State : Mr. S.P. Sonpawale
Advocate for Resp. No.6 : Mr. R.K. Ingole
Advocate for Respondents : Mr. M.D. Narwadkar
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**CORAM : MANISH PITALE &
Y.G. KHOBRAGADE, JJ.
DATE : 12th September, 2025**

PC. :-

1. Heard learned counsel for the Petitioners and the learned AGP for the State/Authorities. It is brought to our notice that in the light of a recent order dated 08.08.2025 passed at the Principal Seat of this Court in Public Interest Litigation No.127/2022 (Sanjay s/o Dashrath Chaudhari & Anr. V/s. State of Maharashtra & Ors.) as also connected Suo Moto PIL and Writ Petition, the present petitions can be disposed of.

2. Writ Petition No.2099/2021 is filed by the Petitioner praying for direction to the Respondent/State to take appropriate steps for removal of encroachment on gairan land. Writ Petition No.11935/2022 is filed by

the Petitioners seeking a direction to the Respondent/State to decide their applications for regularization of their encroachments over gut no.36 village Wadi Niyamtullapur, Tq. Mudkhed, District Nanded which is claimed to be gairan land. The Petitioners in this petition also pray for a direction that benefit of Government Resolution dated 16.02.2018 be extended to them.

3. A perusal of the aforesaid recent order passed in the case of (Sanjay s/o Dashrath Chaudhari & Anr.) (supra) shows that certain specific directions have been issued to the State/Authorities while disposing of the PIL and connected proceedings.

4. Paragraph Nos. 5, 6 & 7 of the said order read as follows:

“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.

7. With the aforesaid directions, the Public Interest Litigation, Suo Motu Public Interest Litigation, the Writ Petition, the Contempt Petition and all the interlocutory applications are disposed of.”

5. We are of the opinion that these two petitions can also be conveniently disposed of in the light of the aforesaid directions given at the Principal Seat of this Court.

6. Accordingly, these Writ Petitions are disposed of by directing that the Respondent/Collector, District Nanded shall take appropriate steps for considering the applications submitted by the Petitioners in Writ Petition No.11935/2022 for regularization of encroachment on gut no.36

at village Wadi Niyamtullapur, Tq. Mudkhed, District Nanded in the light of the above quoted directions issued in the case of (Sanjay s/o Dashrath Chaudhari & Anr.) (supra) at the Principal Seat of this Court. This exercise would include consideration of the claim of the Petitioners that they are entitled to benefit of Government Resolution dated 16.02.2018. While considering the claims of the said Petitioners, the Collector shall also given an opportunity to the Petitioner in Writ Petition No.2099/2021 to place his submissions for consideration. The Collector shall consider all the relevant Government Resolutions / Circulars along with the judgments of the Hon'ble Supreme Court and this Court while deciding the claim made by the Petitioners in Writ Petition No.11935/2022.

7. The parties shall cooperate with the Collector, Nanded for adhering to the timeline indicated in the above quoted portion of the order passed at the Principal Seat of this Court in the case of (Sanjay s/o Dashrath Chaudhari & Anr.) (supra).

8. With these observations, the Writ Petitions are disposed of. Pending applications, if any, also stand disposed of.

[Y.G. KHOBRAGADE, J.]

[MANISH PITALE, J.]