



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

9 WRIT PETITION NO. 10358 OF 2025

**ANAND RAMJI KIRTANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Mr. P. S. Shinde, Advocate for the Petitioner

Mr. V. M. Kagne, AGP for the Respondent/State

**CORAM: SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.**

DATE : 1st DECEMBER, 2025

P. C. :-

1. Heard learned Advocate for the petitioner.
2. The Petitioner seeks directions against the Respondents to remove all unauthorized encroachments including permanent structures from the lands bearing Gut No. 239, 240 and 241 at village Jawala Bazar, Tq. Aundhanagnath, Dist. Hingoli and to restore the said lands for the designated purpose of cremation and burial. He also seeks compliance of the order passed by this Court dated 12.01.2016 in Writ Petition No. 3320 of 2001. Learned Advocate for the petitioner relies on the order dated 12.01.2016 passed by this Court, however, submits that the said petition was

filed by another person and according to him, the said Petitioner has expired in 2020. First of all, the Petitioner has not filed the death certificate of Mr. Prabhakar Babulal Porwal, who could have been the best person to file the contempt petition. Taking into consideration the order that was passed by this Court on 12.01.2016, it appears that no specific direction was given by this Court in the said Writ Petition, but on the basis of affidavit filed by the Tahasildar it was taken that the grievance of the Petitioner to a larger extent has been redressed. If the Petitioner has any independent cause then he ought to have come before this Court. He has produced on record the representation dated 23.07.2018 filed by him for the removal of encroachment by giving reference to the order passed by this Court, still he has not produced this Court immediately. He is approaching this Court on 21.07.2025. Now he says that around 157 encroachments have been made. He has not approached the appropriate authority as well as this Court within a reasonable time. However, taking into consideration the issue raised that can be considered only upon deposit of amount of Rs.5 lakhs to be deposited by the Petitioner to show his bonafides. Petitioner to deposit the said amount within a period of one month.

3. Place the matter for further consideration on 8th January, 2026.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

ssp