



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14958 OF 2025

Sagar Manjeet Singh Jagan Singh
Versus
The State of Maharashtra and others

...
Mr. G. A. Gadhe, Advocate for the petitioner.
Mr. S. B. Pulkundwar, APP for the respondents/State.
...

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

DATE : 12 DECEMBER 2025

ORDER :

. Present petition has been filed for following relief :-

“B. By issuing writ of mandamus or orders or directions or any other appropriate writ under Article 226 of the Constitution of India, this Hon’ble Court may kindly direct Respondent Nos.2 to 4 to complete the inquiry under the provisions of Sections 53 and 242 of the Maharashtra Land Revenue Code 1866 within three months, initiated in view of the order dated 20.10.2023 and remove the encroachments from the properties mentioned in the order dated 20.10.2023.”

2. Heard learned Advocate for the petitioner. Learned AGP waives notice for all the respondents.

3. Learned Advocate for the petitioner submits that in 1954, certain lands were given to Nanded Sikh Gurudwara as Pattedar i.e. for cultivation. The ownership was with the Government. However, it appears that the lands were then encroached upon by certain persons. Despite the petitioner's efforts to bring it to the attention of respondent/authorities about the illegal activities carried out by the private individuals over the said land, no action was taken and, therefore, the petitioner being one of the trustees filed Writ Petition No.7345 of 2023 before this Court seeking directions that the Collector, should initiate action under Section 53 of the Maharashtra Land Revenue Code. The said Writ Petition came to be disposed of on 11.07.2023 with directions to the petitioner to avail the appropriate remedy. Accordingly, the petitioner filed application on 17.07.2023 before the respondent No.2 with a request to remove the encroachment from the property given to Gurudwara. It is stated that the petitioner is the authorized person to represent the Nanded Gurudwara Board. Respondent No.3 then directed respondent No.4 by communication dated 20.10.2023 to take action as per Section 53 of the Code. The further direction was then given by respondent No.4 to the Circle Officer and Talathi by communication

dated 23.11.2023. The Circle Officer, Nanded made communication to the petitioner on 20.05.2024 stating that the survey numbers have been converted into property cards. Inspection report appears to have been prepared, but the Circle Officer states that the powers under Section 53 of the Code are vested with the District Collector, Nanded. Now, again the current Administrator has addressed the letter dated 27.05.2024 stating that the Collector should take action under Section 242 of the Code. Though the powers can be delegated, yet the delegated authority is not considering and taking the appropriate action.

4. The learned AGP, upon instructions, submits that the time be granted for filing reply.

5. This appears to be the classic case where the superior authority just pass on the instructions to the action. Here, the petitioner and the Gurudwara are accepting that the ownership lies with the Government and, in fact, the Collector and the other revenue officers are duty bound to protect the Government property. It appears that for two years, no proper action has been taken except directing one officer to another to take the action. Now, when the Deputy Collector had given directions to Tahsildar to make an inquiry and give the report, then the said Tahsildar, Nanded without any authority further delegates or passes an order to

Circle Officer as well as Talathi. It appears that Collector, Nanded has not even responded to communication from Gurudwara on 27.05.2024. This inaction prompts us to direct respondent No.2 to initiate and take the action within a period of one month from today, failing which he should remain present personally and should show as to what action has been taken by him within the said period of one month.

6. Place the matter for further consideration on 17.01.2026, First on Board.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm