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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO. 149 OF 2024

**Vishal Pralhad Pawar
(Representing Karanje Gramastha) .. Petitioner**

Versus

Ld. Chief Executive Officer & Ors. .. Respondents

None for the petitioner.

Mr. O. A. Chandurkar, Addl. Govt. Pleader with Mr. Aditya R. Deolekar, AGP for respondent nos.1 to 3 and 6-State.

**CORAM: ALOK ARADHE, CJ. &
M. S. KARNIK, J.**

DATE: 23rd APRIL, 2025

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ORAL ORDER [Per Chief Justice]:

1. None appears for the petitioner. Heard learned Additional Government Pleader and perused the records.

2. In this writ petition, which has been filed as Public Interest Litigation, the petitioner, *inter alia*, seeks direction to respondent nos.1 to 3 to take steps to take necessary action for demolishing illegal structure erected on public land bearing Survey No.85, situate at Mauje Karanje Turf Satara, Taluka and District Satara (subject land). In addition, the petitioner also seeks a direction to respondent nos.1 and 2 to get the record of subject land rectified by concerned Revenue Authorities whereby names of illegal trusts, respondent nos.4 and 5 have been entered in revenue record of subject land.

3. The petitioner claims to be a public spirited individual and is resident of village Karanje, Taluka and District Satara. According to the petitioner respondent nos.4 and 5 have constructed illegal construction on the subject land. It is the case of the petitioner that despite communicating objection to illegal construction being done on the subject land to Chief Executive Officer, Satara Municipal Council, no action has been taken against respondent nos.4 and 5.

4. Learned Additional Government Pleader appearing for respondent nos.1 to 3 and 6 submitted that suitable action in accordance with law shall be taken.

5. The issue whether or not anybody has encroached on the public land is a question of fact and normally is disputed. The aforesaid fact cannot be adjudicated in exercise of summary jurisdiction under Article 226 of the Constitution of India as this Court normally is not examining disputed question of facts, however, in the peculiar facts and circumstances of the present case we deem it appropriate to issue the following directions:

(i) The District Collector, Satara or his authorized representative shall issue notice to the petitioner as well as to respondent nos.4 and 5 and to other persons who may be in occupation of the subject land.

(ii) Thereupon, the Collector or his authorized representative shall carry out survey to ascertain the encroachment on the subject land.

(iii) Thereafter, the Collector or his representative shall afford an opportunity of hearing to the parties and to submit documents in support of their claim.

(iv) In case the subject land is found to be a public land, the District Collector or his authorized representative shall initiate an action for removal of encroachment in accordance with law.

(v) The aforesaid exercise shall be carried out within a period of four months from today.

(vi) Learned Additional Government Pleader undertakes that assistance of police shall be provided to the District Collector for removal of encroachment from the subject land, if found to be a public land.

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

(viii) It is clarified that this Court has not expressed any opinion on the merits of the case.

6. With the aforesaid directions, the PIL is disposed of.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)