

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO. 143 OF 2024

Rajkumar Dinkar Padale & Anr. .. Petitioners

Versus

The State of Maharashtra through its .. Respondents
Rural Development Department &
Ors.

...

Mr.Abhijeet Phulsundar i/b Mr.D.D.Rananware for the
Petitioners.

Mr.O.A.Chandurkar, Addl. Govt. Pleader with
Mrs.G.R.Raghuwanshi, A.G.P. for the State/Respondent Nos.1
to 4, 7 and 8.

Mr.S.R. Patil for the Respondent Nos. 5 and 6.

**CORAM: ALOK ARADHE, C.J. &
BHARATI DANGRE, J.**

DATED : 05th FEBRUARY, 2025

...

P.C:-

1. In this Petition, which has been filed as Public Interest Litigation, the Petitioners, *inter alia*, seek a direction to Respondent Nos.1 to 10 for taking action for removal of encroachment over the Government Gairan (grazing) land situate at Gat Nos.768, 769, 771, 1645, 1646, 1648, 223, 1553 of gairan lands situate at village Dighanchi, Taluka Atpadi, District-Sangli.

2. The case of the Petitioners in nutshell is that the Government Gairan lands situate in village Dighanchi have been encroached by several encroachers.

3. We have heard learned counsel for the parties and have perused the record.

4. Undoubtedly, no individual has a right to encroach on a Government land. However, whether or not an individual has encroached a Government land is a question of fact, which is disputed in the facts and circumstances of the case. This Court, in exercise of inherent jurisdiction under Article 226 of the Constitution of India, cannot determine the disputed question of facts. However, in peculiar facts of the case, we deem it appropriate to issue the following directions :-

- (i) The District Collector, Sangli shall issue notice to the Petitioners as well as to the unofficial Respondents and every other person who may be in occupation of the subject land.
- (ii) The District Collector, Sangli shall carry out a survey to ascertain the encroachment on the subject land, if not already carried out.
- (iii) The District Collector, Sangli shall thereupon afford an opportunity of hearing to all the parties and to submit the documents in support of their claim
- (iv) In case, the subject land is found to be a Government land, the District Collector shall initiate action in accordance with law.

- (v) Needless to state that necessary police assistance shall be provided to the District Collector, Sangli for removal of the encroachment on the subject land, in case the same is found to be a Government land.
- (vi) The aforesaid exercise shall be completed within a period of four months from today.

5. In case, any person is aggrieved by the order directing removal of the encroachment, shall be at liberty to take recourse to such remedy as may be available to him in law.

6. It is clarified that, this Court has not expressed any opinion on the merits of the case.

7. Accordingly, Public Interest Litigation is disposed of.

(BHARATI DANGRE, J.)

(CHIEF JUSTICE)