

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11661 OF 2025

Kabrasthan Muslim Sanstha Karanje,
(A duly waqf registered under
Section 36 of the Waqfs Act, 1995)
Having its registered office at
Survey No.85, Karje Tarf Satara,
District : Satara, Through its
Chairman, Mr. Jamir Samsheer Shaikh,
Age: 42 Years, Occu.: Agriculture,
Having its residence at 306/7,
Karanje Peth, Satara Taluka
and District : Satara.

....Petitioner

Vs.

1. The State of Maharashtra,
Through its Principal Secretary,
Department of Minority Development,
Mantralaya, Mumbai – 32.
2. The Principal Secretary,
Rural Development Department,
Mantralaya, Mumbai – 32.
3. The District Collector,
Satara.
4. The Maharashtra State Board of Waqfs.
Panchakki, Chh. Sambhajinagar
(Through its Chief Executive Officer)
5. The Satara Municipal Council,
Satara
(Through its Chief Officer).

6. Vishal Prahlad Pawar,
Age: 27 Years, Occu.: Agriculture,
R/o. 404, Karanjepeeth, Karanje taraf,
Taluka and District : Satara.Respondents

Mr.S. B. Talekar (Through VC), i/b. Talekar & Associates, for the
Petitioner.

Mr. Sanjay D. Rayrikar, AGP, for the Respondent Nos.1 to 3-State.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 15th OCTOBER 2025

PC.:-

1. Present Writ Petition takes exception to order dated 29th September 2025 passed by Sub-Divisional Officer, Satara, whereby learned Sub-Divisional Officer recorded an opinion that Survey No.85 situated at Mouje Karanje Taraf is government land reserved for burial purpose and further issued directions to Municipal Council, Satara to remove unauthorized constructions and encroachments over the same by following due process of law.

2. The dispute pertains to land Survey No.85 at village Karanje Taraf, Satara. On 17th June 2019 Tushar Patil, Chandrakant Patil, Sarang Patil and other villagers had submitted a written complaint to Chief Officer, Satara Municipal Council regarding unauthorized developments over the subject land. On 4th November 2019, Chief

Officer, Municipal Council had issued notice under Sections 52 and 53 of Maharashtra Regional Town Planning Act, 1966 to Petitioner to get remove unauthorized construction. Petitioner had challenged said notice by filing Waqf Suit No.193 of 2019 alongwith application at Exhibit 5. The said application has been rejected by Waqf Tribunal vide order dated 22nd April 2022 with further direction to decide application dated 21st November 2019 filed by Petitioner seeking construction permission. Meanwhile, directions were given to maintain *status quo* in respect of suit property.

3. One Mr. Vishal Prahlad Pawar had instituted Public Interest Litigation No.149 of 2024 before this Court seeking directions to Respondents/State Authorities to take steps and initiate action for demolishing illegal constructions erected on Survey No.85 and also for correction/rectification of revenue record. This Court disposed of the said PIL with directions to District Collector, Satara or his authorized representatives to grant opportunity of hearing to present Petitioner (Respondent Nos.4 and 5 in PIL) and other persons in occupation of subject land and ascertain encroachments on subject land. It is further directed that in case, subject land is found to be

public land, District Collector or his authorized representative shall initiate an action for removal of encroachment in accordance with law. In Clause No. (7) of operative part of order, it has been specifically mentioned that any person, aggrieved by direction of Collector, shall be at liberty to take recourse to such remedy as may be available to him/her in law.

4. The order impugned in this petition has been passed by Sub-Divisional Officer in pursuance to survey carried by Collector as per the directions given by Division Bench of this Court in PIL. Apparently, if the Petitioner is aggrieved by order of Sub-Divisional Officer, his remedies, as permissible under law, are open. However, while disposing PIL, this Court had observed that disputed questions of fact cannot be decided by this Court. Even, issue of title as has been canvassed in this Petition cannot be gone into by writ Court. Therefore, this Court shown disinclination to entertain present Writ Petition.

5. At this stage, Mr. Talekar, learned Advocate appearing for Petitioner, on instructions, seeks permission to withdraw this Writ Petition with liberty in favour of Petitioner to take up/prosecute

appropriate alternate remedy as permissible under law against the order impugned in this Petition. He seeks protection for limited period to enable Petitioner to approach the appropriate authority.

6. In that view of the matter, Writ Petition stands disposed of as withdrawn with liberty in favour of Petitioner to take up alternate remedy, as is permissible under law before Competent Authority/Court against the impugned order.

7. The Petitioner may avail such remedy within a period of four weeks from today.

8. Till then, Respondents Authorities shall stay their hands from taking coercive action against Petitioner.

9. It is made clear that aforesaid protection is granted only with a view to enable Petitioner to avail the alternate remedy, without delving into merits of contentions raised by Petitioner.

10. The concerned Court/Authority to which Petitioner chooses to approach shall consider and decide Petitioner's claim strictly on its own merits.

(S. G. CHAPALGAONKAR, J.)