

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

WRIT PETITION NO. 317 OF 2024

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Krantiba Jotiba Phule Sahakari Gruh Nirman Sanstha Petitioner
V/S
State Of Maharashtra Through Secretary, Revenue
And Forest Department, Mantralaya, Mumbai And Ors Respondents

Mr. Abhay D. Thorat, for Petitioner.

Mr. PG. Sawant, Assistant Government Pleader, for Respondent Nos.1 to 4 & 6/State.

**CORAM: A.S. CHANDURKAR &
M.M. SATHAYE, JJ.**

DATE : 7TH JANUARY 2025

P.C. :

1. The Petitioner is Society registered under the provisions of the the Maharashtra Co-operative Societies Act, 1960. It seeks assistance of the State authorities in removing encroachment over part of its property admeasuring 1 Hectare 06 Ares in Gat No.182/1A based on an order dated 10.05.1989 passed by the Collector in that regard.

2. We find from the record that by an order dated 04.09.2009, the Assistant Registrar, Co-Operative Society, Tasgaon passed an order and directed removal of two members of the Society who had intentionally encroached upon the lands of the Society. In the affidavit-in-reply filed by the Tahsildar, it has been stated that as per the reports received from the revenue authorities the encroachment is continuing and that steps would be taken to remove the same. These communications dated 13.04.2017 and 22.05.2023 are clear in that regard.

3. Considering the fact that the membership of the offending members has already been terminated in view of the order dated 04.09.2009, it would be necessary to refer the following statement made by the Tahsildar in his affidavit-in-reply dated 19.06.2024. The same is read as under:

“All the above reports given by concerned officers are clearly mentioned that the members of the above mentioned society are encroachers on the Govt. land. They are violating the rules and orders as well as terms and conditions of the Dist. Collector Sangli Sangli.”

4. In view of aforesaid, it is directed that the Respondent Nos.2 to 6 shall take all necessary steps to remove the encroachment in question as identified by the revenue authorities by following the due process of law. Such steps be taken expeditiously and preferably within a period of two months from date of the receipt of this order.

5. With aforesaid directions, the writ petition is disposed of. For reporting compliance, the matter be listed on 02/04/2025.

(M.M. SATHAYE, J.)

(A.S. CHANDURKAR, J.)