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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14807 OF 2024

Bhagwan Narayan Bhoir

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Sanjeev Sawant a/w. Mr. Sandeep Patade, for Petitioner.

Mr. P.G. Sawant, AGP for Respondent -State.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 10th October 2025

P.C.

1. This Petition is filed under Article 226 of the Constitution of India
praying for the following substantive reliefs, which read thus:

a. Rule be issued;

b. this Hon'ble Court be pleased to issue Writ of mandamus, appropriate, necessary, requisite Writ, order and/or direction in the nature of mandamus thereby directing the Respondent No.3, District Collector, Thane District to consider the claim of the Petitioner for regularization of the subject lands as per order dated 23.07.2019 passed by the Ld. Minister of Revenue in Revision Application No.NO. RTS/2718/182/PK.13/J-4 and Government Resolutions dated 27.12.1978 and 28.11.1991 and be pleased to directs the Respondent No.3 to regularize the encroachments of the Petitioner in subject lands within reasonable timeas this Hon'ble Court may deem fit and proper and be pleased to direct the Respondents to give necessary effect of the regularization to the revenue record;

c. pending the hearing and final disposal of this Writ Petition, this Hon'ble Court be pleased to issue Writ of mandamus, appropriate, necessary, requisite Writ, order and/or direction in the nature of mandamus thereby directing the Respondent No.3 to consider the reports submitted by the Ld. Circle Officer, Tahasildar, and Talathi and

the documents submitted by the Petitioner as per order dated 23.07.2019 passed by the Ld. Minister of Revenue in Revision Application No. NO.RTS/2718/182/PK.13/J-4 and pass appropriate and necessary orders, considering the Government Resolutions dated 27.12.1978 and 28.11.1991, thereby regularizing the encroachments of the Petitioner on the subject lands;

d. interim and ad-interim reliefs in terms of prayer clause (c) above be granted;

e. such other and further reliefs as the nature and circumstances of the present case may warrant costs be granted.

2. The Petitioner is primarily aggrieved by the inaction on the part of the Collector, Thane i.e Respondent No.3, in not implementing the order dated 23rd July 2019, passed by the learned Minister of Revenue and for not considering the reports of the Tahsildar, Circle Officer and the Sub Divisional Officer (SDO), in view of the GR's dated 27/12/1978 and 28/11/1991 passed by the Government of Maharashtra. It is the Petitioner's contention that after the demise of his father, the Petitioner was and is cultivating the land bearing Survey No.82/12/A admeasuring 1H 57Are, Potkharaba admeasuring 06 Are and Akari Pad land bearing survey No.82/12B admeasuring 88 Are, Potkharaba 03 Are totally admeasuring 2H 54 Are, situated at Village Ushid Taluka Kalyan, District-Thane. The Petitioner is a tribal and his name has been recorded in the Village Extract No. 1E by the then Circle Inspector, Nadgaon. The Government had issued GR's dated 27th December 1978 and 28th November 1991, thereby declaring that the farmers cultivating the Government lands which were encroached, the same lands would be regularized. Subsequent GR's were issued in 2007-2008 to implement the aforesaid GR's. Sometime in 2009, the Petitioner filed an application to Collector Thane District

i.e. Respondent No.3 to regularize his land. This application was forwarded by Respondent No.3 to the Tahasildar. In the meantime, in the PIL filed before this Court bearing PIL No. 204/2010, this Court passed an Order on 16th December 2010, directing Divisional Commissioner's and District Collectors, to publish notice invite the claims of the encroachers and publish list of encroachers for the purpose of regularization. However, in 2011 the Collector i.e. Respondent No.3 without considering the facts of the Petitioner rejected the application of the Petitioner for regularization. The Petitioner filed an Appeal before the Additional Divisional Commissioner i.e. Respondent No.2 challenging the aforesaid order dated 16th August 2011. This Court again on 28th March 2014 directed the Collector and Divisional Commissioner to publish the notice in the newspapers and consider the claim of the encroachers in the published list and also the claim of those whose names were not listed. In 2015, the Additional Divisional Commissioner i.e. Respondent No.2, dismissed the Appeal filed by the Petitioner challenging the order passed by the Collector. On 18th February 2015, as per the directions issued in the PIL, learned Talathi i.e. Respondent No.7 issued notice to the Petitioner to submit his claim with supporting documents. Against this order dated 18th February 2015, the Petitioner filed Revision Application before the State of Maharashtra challenging the said Order. In between 2015 and 2017, the Talathi sent report to the Collector i.e. Respondent No.3 about the encroachment of the Petitioner and informed him that the Petitioner is cultivating the said land.

3. This Court also by an Order dated 4th May 2017 disposed of PIL No.204/2010 and directed as follows:

3. In that view of the matter, if really there are bonafide, they cannot keep the matter pending for years to come. We direct the petitioners to assist all those applicants, whom they think are entitled for regularisation, to make representation to the concerned Authority so that the Authority can consider the applications individually and take final call strictly in accordance with the procedure contemplated. If any such application is submitted, the same has to be disposed of within a period of 3 months from the date of submission.

4. It is needless to say that if the investigation or inquiry carried out by the petitioners in each district is of any help to the applicant, the report may be attached as a supporting or substantiating document. It is also made clear that such investigation report cannot have any sanctity and it will only be a prima facie material to consider and the department concerned is at liberty to verify the same and take its own decision on case to case basis.

4. On 23rd July 2019, the learned Minister of Revenue i.e. Respondent No.1 allowed the Revision Application filed by the Petitioners and directed the Collector i.e. Respondent No.3 to consider the documents filed by the Petitioner and pass reasoned order. In pursuance of the aforesaid order dated 23rd July 2019, the Circle Officer submitted a report to Tahasildar and the Tahasildar forwarded the same to the SDO, Kalyan i.e. Respondent No.4. The SDO, Kalyan i.e. Respondent No.4 on 1st August 2022, forwarded the above report to the Collector i.e. Respondent No.3 and it is on the basis of this report and the earlier GR's dated 27/12/1978 and 28/11/1991 that the Collector i.e. Respondent No.3 has failed to regularize the lands of the Petitioner.

5. We may observe that this inaction on the part of the Collector i.e. Respondent No.3 is causing grave prejudice to the Petitioner and issue is pending adjudication for a considerable period of time. The anxiety of the Petitioner is that

if such decision is not taken expeditiously and as the law would mandate, the Petitioners rights will be affected.

6. In our view, considering the limited relief that the Petitioner seeks in this Petition and although there being no written opposition/reply of the Respondents, considering the nature of the orders we propose to pass, no prejudice would be caused to the Respondents. The following order would serve the ends of justice:

ORDER

- i) The Collector i.e. Respondent No.3 , is directed to consider and decide the claim of the Petitioner for regularization of the subject lands as per order dated 23rd July 2019 passed by the Hon'ble Minister of Revenue in Revision Application No.RTS/2718/182/PK.13/J-4, after considering Government Resolutions dated 27/12/1978 and 28/11/1991, and all the documents submitted by the Petitioner in accordance with the law, as expeditiously as possible, preferably within a period of 6 weeks from the date this order is made available by the Petitioner to the Respondents.
- ii) Let all the parties be heard.
- iii) All rights and contentions of the parties are expressly kept open.
- iv) Writ Petition is disposed of in the above terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)