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

WRIT PETITION NO. 8243 OF 2025

Dr. Vishram Malaji Nikam and ors. ... Petitioners
Versus
The State of Maharashtra and ors. Respondents

Mr.Ashwin R. Kapadnis, for the Petitioners.
Ms. A.A.Purav, AGP for the Respondent-State.

**CORAM : M.S.KARNIK AND
N.R.BORKAR, JJ.**

DATE : 30th JUNE, 2025

P.C. :

1. Heard learned counsel for the petitioners. The petitioners pray for direction to the respondent no.2 – Collector, Nashik and respondent no.3, Tahsildar, Deola to remove the encroachment upon Shiv nala/ Karla nala as per petitioner's application dated 17/07/2024 in view of Section 50 of the Maharashtra Land Revenue Code, 1966 ("MLRC", for short). It is further prayed for direction to respondent no.2-Collector, Nashik and respondent no.3 – Tahsildar to carry out fresh measurement of Karlanala/Shivnala which is government land and with further

direction to Collector to remove the encroachment if found any as per Section 50 of MLRC. It is also prayed to quash and set aside letter/order dated 27/05/2024 passed by respondent no.4-Deputy Superintendent of Land Records, District-Nashik.

2. The grievance of the petitioners is that there is encroachment by respondent no. 5 on the nalla which is the government property. In our opinion, if there is encroachment on the government land and if measurement reveals that the land of the government is encroached, necessary steps have to be taken to remove the encroachment.

3. Our attention is invited to the order dated 26/04/2024 passed by this Court in Writ Petition No. 7596 of 2023. The said order was passed in respect of proceedings under Mamlatdar Courts Act, 1906. However, the order clearly records that interim relief granted by this Court would not preclude carrying out of any measurement as agreed by the villagers. It is further mentioned that in the event, measurement is carried out and the respondents intend to rely upon the measurement report, they would be at liberty to file the appropriate application in the petition.

4. The petitioner is seeking removal of the encroachment in terms of 50 of the MLRC. There is no embargo on the respondents to carry out measurement and taking action in terms of the provisions of law. The matter so far as Mamlatdar's Courts Act is concerned, is pending in this Court.

5. The petitioners are willing to pay necessary charges for measurement of the land.

6. In view of this matter, the Tahsildar, Deola is directed to take appropriate steps for carrying out measurement for which the petitioners are willing to pay necessary charges and if it is revealed that the land belonging to Government is encroached upon, take appropriate action for removal of the encroachment. Necessary steps be taken within a period of 12 weeks from 03/07/2025.

7. The petitioners to appear before the Tahsildar, Deola on 03/07/2025 at 11:00 a.m. along with copy of this order.

8. The Collector, Nashik is directed to take further steps in the matter.

9. The petition is disposed of in the above terms.

(N.R.BORKAR, J.)

(M.S.KARNIK, J.)