



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.5510 OF 2025

MANOHAR SITARAM RATHOD

VERSUS

STATE OF MAHARASHTRA, THR. ADDITIONAL COMMISSIONER,
AMRAVATI DIVISION, AMRAVATI AND OTHERS

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. R.J. Shinde, Advocate for Petitioner.

Ms. PC. Bawankule, AGP for Respondents-State.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 11th DECEMBER 2025

PER COURT :-

1. Heard learned Advocate for the petitioner as well as learned AGP for the respondents.

2. The petitioner's challenge is to the order dated 14.08.2025, passed by respondent No.1 Additional Commissioner, Amravati Division, Amravati, rejecting the review application bearing No. 155/LEN-39/Panchala/washim/2025, filed by the petitioner.

3. By the impugned order, respondent No.1 has upheld the order dated 15.04.2024, passed by respondent No.2 Collector, Washim, by which the request for regularization of encroachment was rejected.

4. Learned Advocate for the petitioner submits that the petitioner is in possession of land Gat No.158, which is an e-class land from the year 1977-78. Learned Advocate submits that the petitioner is cultivating the said land and in view of the Government Resolution dated 28.11.1991, the petitioner is entitled for regularization of encroachment. Learned Advocate submits that there are encroachments by several other persons and in case of some of them, the encroachment was regularized and hence, the petitioner is entitled to claim a similar relief. Learned Advocate submits that respondent Nos.1 and 2 have erred in failing to regularize the encroachment and the impugned order is thus unsustainable.

5. As against this, learned AGP for the respondents submits that the claim for regularization cannot at all be entertained and it is rightly rejected in view of the policy of the Government as reflected in Government Resolution dated 12.07.2011, which has superseded the Government Resolution dated 28.11.1991. Learned AGP submits that the Government policy is in tune with the judgment of the Hon'ble Supreme Court in the case of *Jagpal Singh and Others Vs. State of Punjab and Others*, [AIR 2011 SC 1123]. She, therefore, submits that respondent No.2 has rightly passed the impugned order which does not need any interference on any count.

6. A perusal of the impugned orders shows that respondent Nos.1 and 2 have refused the claim of regularization of encroachment on *Gairan* land considering the Government Resolution dated 12.07.2011. The impugned order dated 14.08.2025 even specifically refers by the judgment of this Court in Writ Petition No.6446 of 2015 and the Government policy in force. No perversity is seen in the impugned order.

7. In view of this, the Writ Petition is dismissed with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)

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