



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12370 OF 2024

Keshav Shivaji Paikrao

...Petitioner

VERSUS

The State Of Maharashtra And Others

...Respondents

Mr. G.K. Muneshwar, Advocate for the Petitioner
Mr. A.V. Lavte, AGP for the State

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CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL JADHAV, JJ.

DATE : 27th APRIL, 2026

ORDER :

1. By this petition, petitioner challenges the order dated 11.03.2024 passed by Tahsildar, Hadgaon, Dist. Nanded, thereby rejecting his claim for regularization of his encroached land.
2. Heard learned advocate for the petitioner and learned AGP for the State. Perused the record.
3. The petitioner seeks to rely upon the register of eligible encroachers maintained as on 14.04.1990. The petitioner claims that along with him three other names appeared in the said register i.e. Nagu Begaji, Devidas Paikrao and Rama Gaikwad. He then points out Mutation entry No. 440 dated 16.06.1992 by which Rama Gaikwad,

Devidas Paikrao and Nagu Begaji were allotted the lands for cultivation, and their names were recorded in the revenue record. He submits that though his predecessor was eligible for regularization, for the reasons best known to the respondents, the same was not done and his request for regularization is erroneously rejected by relying on Government Resolution dated 12.07.2011. In support of submissions, he has relied on the order passed by co-ordinate bench of this Court on 25.07.2024 in Writ Petition No. 5099 of 2024 (Nandkishor Dhonduji Salwe Vs. The State of Maharashtra & Others).

4. Learned AGP, on the other hand, by relying on the decision of this Bench in Writ Petition No. 5140 of 2021 (Balu Pundlik Shelar Vs. The State of Maharashtra & Others) and decision of co-ordinate bench of this Court at Principal seat in Public Interest Litigation No. 127 of 2022 (Sanjay Dashrath Chaudhari Vs. The State of Maharashtra & Others) and connected matters has opposed the petition stating that in view of decision in Jagpal Singh & Others Vs. State of Punjab & Others., the petitioner is not entitled for the relief claimed in the petition.

5. While disposing of Writ Petition No. 5099 of 2024 this Court was considering the similar facts. Petitioner therein was also a member of

Scheduled Caste category. This Court by quoting that, in Jagpal Singh the Apex Court has held that, regularization should only be permitted in exceptional cases or where lease has been granted under Government Notification to landless labourers or members of the Scheduled Castes/Scheduled Tribes, or where there is already a school, dispensary or other public utility on the land, proceeded to hold that prior to the issuance of Government Resolution dated 12.07.2011, an application was made on behalf of the petitioner on 03.06.2006, seeking regularization and the Divisional Commissioner had directed the Collector to consider the application of the petitioner. In spite of that, claim of the petitioner for regularization was not considered finally. This Court, therefore, directed to take appropriate decision in respect of the petitioner after giving him opportunity of hearing.

6. We are inclined to follow the said decision as it is rendered in similar facts.

7. In the result, impugned order dated 11.03.2024 passed by Tahsildar, Hadgaon, Dist. Nanded is hereby quashed and set aside.

8. The matter is remanded back to respondent No. 2, who shall take decision in the case of the petitioner after taking into consideration the prevailing legal position and Government policy,

within a period of 12 weeks from the date of receipt of copy of this order.

9. Writ petition is disposed of.

(VAISHALI PATIL JADHAV, J.)

(NITIN B. SURYAWANSHI, J.)