



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2340 OF 2026

Somnath Bhimraj Barde And Another
VERSUS
State Of Maharashtra Through The Collector And Others

Mr. K. D. Mote, Advocate for petitioners
Mr. S. B. Pulkundwar, AGP for respondent Nos. 4 and 6

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 05th March, 2026

PER COURT :-

1. Present petition has been filed for following reliefs :
 - B) That Hon'ble court may issue appropriate writs and orders, and issue directions to Government Authorities to remove the encroachment over the Government land bearing Gat No. 796 and 797 of village Kharwandi.
 - C) The Hon'ble High Court may issue appropriate writs and orders for made re-measurement of land Gat No. 796 and 797 of village Kharwandi.
2. Heard learned Advocate for the petitioners. He submits that the petitioners are the members of Scheduled Caste residing at village Kharwandi, Tq. Newasa, Dist. Ahmednagar. It is submitted that Gat No. 896 and 897 of village Kharwandi, Tq. Newasa are reserved as grave yard of Scheduled Caste and Scheduled Tribe community of village

Kharwandi. Since 1975-1976, the 7/12 extract of those lands mentioned above the entry as burial ground however, from 1993-1994, the said entry has been deleted. The petitioners further submit that the Deputy Superintendent of Land Records took measurements and prepared a map of the land on 16.12.1991 wherein Survey No. 366 A came to be shown as burial ground. The area of Survey No. 366 is as per 7/12 extract is 2 Acre 32 Gunthas and after consolidation scheme, the survey number is converted into Gat No. 896. In respect of Gat No. 897, the entry of burial ground is appearing since 1952-1953 till 1986-1987. The respondent No. 7 has constructed a building over the disputed land by making encroachment. Thereafter the villagers of Scheduled Caste and Scheduled Tribe Community had applied to the National Human Right Commission by filing case No. 2574/2012 where upon the Collector was directed to submit a report. Collector accordingly, had submitted the report and thereafter, the Human Rights Commission had issued directions about the removal of encroachment over the disputed land. It is then stated by the petitioners that Collector had taken steps for the removal of encroachment over the said land. However, the respondent No. 8 filed Civil Suit No. 27/2014 wherein it has been declared by the concerned Court that the measurement dated 26.07.2011 was illegal and not binding on the respondent No. 8. The learned Advocate for the petitioners submits that the petitioners or the Scheduled Caste and

Scheduled Tribe Community was not made party to the said proceedings under such circumstance when there is encroachment over the land Gat No. 896 and 897.

3. We have perused the documents and in none of the documents, there is any entry stating that the said land or portion of land is reserved as grave yard for the Scheduled Caste and Scheduled Tribe Community of village Kharwandi. When asked about the same, the learned Advocate for the petitioners seeks accommodation. We deprecate such practice. When all the documents on the basis of which the petitioners want to base their claim should be annexed. There cannot be accommodation to produce the same on record. Thereafter documents have been produced. They are not supporting the contention of the petitioners and therefore, no case is made out to exercise our powers under Article 226 of the Constitution of India.

4. Petition stands dismissed.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi