



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2441 OF 2026

1. Ramabai w/o Anna Abhang
2. Indubai w/o Uttam Chavan
3. Asarabai w/o Tukaram Chavan
4. Shakuntala w/o Ravindra Chavan
5. Chandrakala w/o Dinkar Abhang
6. Ashabai w/o Raosaheb Chavan
7. Alka w/o Mansub Chavan
8. Kaduba s/o Sakharam Abhang
9. Chhaya w/o Anna Chavan
10. Hirabai w/o Balu Chavan
11. Bhamabai w/o Ambadas Pawar
12. Sonabai Govind Pawar
Since deceased Through L.Rs.
13. Laxmibai w/o Kaduba Abhang

All R/o. Manur, Tq. Vaijapur,
District Aurangabad.

.. Petitioners

Versus

1. The State of Maharashtra
Through the Secretary of
Revenue and Forest Department,
Mantralaya, Mumbai-32.
2. The District Collector,
Chh. Sambhajinagar (Aurangabad)
3. The Sub Divisional Officer,
Vaijapur, Dist. Chh. Sambhajinagar
(Aurangabad)
4. The Tahsildar,
Tahsildar, Tq. Vaijapur,
Dist. Chh. Sambhajinagar.
5. The Gramsevak/Sarpanch,
Manur Village Panchayat,
Tq. Vaijapur, Dist. Chh. Sambhajinagar,
(Aurangabad)

.. Respondents

...
Mr. M. L. Wankhede, Advocate for the petitioners.
Mr. R. S. Wani, AGP for respondents/State.
...

**CORAM : SMT. VIBHA KANKANWADI &
AJIT B. KADETHANKAR, JJ.**

DATE : 22 APRIL 2026

ORDER (Per Smt. Vibha Kankanwadi, J.) :-

. Heard learned Advocate Mr. M.L. Wankhede for the petitioners and learned AGP Mr. R. S. Wani for respondents/State.

2. The petitioners have approached this Court to challenge the notice dated 06.11.2025 issued by respondent No.5, directing them to vacate the Gairan land bearing Gut Nos.192/193, situated at Manur, Taluka Vaijapur, District Chhatrapati Sambhajinagar and to seek directions against respondent Nos.1 to 4 to regularize the possession of each of the petitioners.

3. Learned Advocate for the petitioner has taken us through the documents and submits that the petitioners belong to Scheduled Caste and VJNT category. They are the landless persons. They have made encroached upon the respective pieces of Gairan land from Gut No.192/193 situated at Manur since 1979. In fact on the basis of complaint of Sarpanch of respondent No.5 a charge-sheet came to be filed against the petitioners. In S.C.C. No.991 of 2004, the present petitioners and others were held guilty by

the learned Judicial Magistrate First Class, Vaijapur, on 01.09.2007, and they were punished accordingly. A copy of the order, along with the panchanama conducted in the matter, has been produced on record. The petitioners have moved an application before respondent Nos.3 and 4 to regularize their possession over the said Gairan land. Government had issued Resolution dated 28.11.1991 permitting the regularization of the Gairan between 01.04.1978 to 14.04.1990. Thereafter another Government Resolution came to be passed after the pronouncement of the decision by the Hon'ble Apex Court in **Jagpal Singh Vs. State of Punjab, (2011) 11 SCC 396**, however, the possession of the petitioners over the Gairan land is since prior to 1979 and the applications filed by the petitioners are pending. Then under such circumstance, the respondent/Grampanchayat ought not to have issued the notice to the petitioners for vacating.

4. Learned AGP, who waives notice for respondent Nos.1 to 4, relies on decision of this Court in **Pundlik Sambhaji Telange and others Vs. The State of Maharashtra and another, [Writ Petition No.13465 of 2025 with companion matters decided on 12.11.2025]**, [to which Smt. Vibha Kankanwadi, J. was party], wherein after considering the legal position in **Jagpal Singh (Supra)**, this Court had dismissed the petition. He submits that, by Government Resolution dated 25.03.2026, the Government has expressed its intention to regularize encroachments on Gairan land made up to

01.01.2011, however, such regularization is restricted to residential encroachments. The present petitioners, on the other hand, contend that they are cultivating the land. At no point of time, they even appears to have stated that they are residing on the land. Therefore, the recent Government Resolution is not applicable to the petitioners.

5. We do not want to go into the disputed facts. Apparently, it appears from the record that in 2004, the petitioners were found possessing the Gairan land and, therefore, they were prosecuted. They were held guilty for committing offence under Section 447 read with Section 34 of Indian Penal Code and they have been convicted, which indicates that they might have undergone the punishment imposed upon them. Still, at that time, when opportunity was available to either the Grampanchayat or the State Government to take possession of the respective Gairan land or pieces of Gairan land from the petitioners, no efforts appears to have been taken. The petitioners are relying upon the panchanama drawn on 21.11.1979, and on the basis of the said document, they filed an application before the Sub-Divisional Officer on 15.06.2019. It appears that the said application has not been decided. Thereafter, again on 19.01.2024 similar application was filed and on 21.02.2025 the application is filed before the Collector. The Collector is the appropriate authority, who can take decision on these applications and, therefore, we **partly allow** the petition even at this stage without summoning

respondent No.5.

6. The impugned notice to the petitioners appears to have been issued on the basis of directions given by respondent No.2 Collector on 17.07.2025 and, therefore, we relegate the matter to respondent No.2 Collector to take a decision on the representation by the petitioners dated 21.02.2025 within a period of four months from today.

7. He may allow the petitioners to place on record the evidence in support of their contention and he shall give them an opportunity to submit their case before him.

8. In view of this relegation, we set aside the notice dated 06.11.2025. The further recourse would depend upon the decision by respondent No.2 on the representation made by the petitioner.

9. Respondent No.2 to take note of the decision in **Jagpal Singh (Supra)** as well as **Pundlik Sambhaji Telange (Surpra)**.

[AJIT B. KADETHANKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm