



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 WRIT PETITION NO.4638 OF 2026

Subhash Shaligram Patil

VERSUS

The State Of Maharashtra Thr Its Principal Secretary And Ors

...

Mr. D. R. Kale, Advocate for the Petitioner.

Mr. R. S. Wani, AGP for Respondents/State.

...

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

DATE : 28 APRIL 2026

ORDER :

. Present petition has been filed to challenge the impugned notices dated 10.12.2025, 01.01.2026 and 12.01.2026 issued by respondent No.5 directing the petitioner to remove the structure.

2. Learned Advocate for the petitioner submits that the petitioner is residing on the plot bearing Gut No.252/1/A situated in village Pashtane Bk., Taluka Dharangaon, District Jalgaon since last about 30 years. However, respondent No.5 has issued those notices. The petitioner contends specifically in paragraph No.6 that initially he approached

learned Civil Judge Junior Division, Dharangaon by filing Regular Civil Suit No.10 of 2026 seeking protection of his possession over the suit property, but then states that taking into consideration the nature of action of the respondent authorities, he has withdrawn the said suit with liberty to approach this Court. The petitioner also contends that on 06.03.2026, the respondent authorities, along with their staff, had visited the suit property and attempted to forcibly remove the petitioner's tin shed structure by treating the same as alleged encroachment. However, because of the request, the demolition has not taken place. Petitioner states that the State Government has come up with the Government Resolution on 01.08.2025 under the provisions of Maharashtra Land Revenue Code, 1966, laying down a policy where the government land, including old village roads, internal pathways or other public utility land, was no longer required for public purpose, then the same can be de-reserved and utilized for housing purposes. Now, the learned Advocate for the petitioner is also relying on the Government Resolution dated 25.03.2026, whereby the Government has taken a decision to regularize encroachments made for residential purposes up to 01.01.2021. Thereafter, immediately the petitioner has made representation to the respondent authorities on 02.04.2026 for regularizing the encroachment of the petitioner. Learned Advocate for the petitioner submits that, taking

into consideration the petitioner's apprehension that the respondents may dispossess the petitioner without considering the said representation, the purpose of the petition would be served if a direction is issued to decide the said representation within a stipulated period.

3. Learned AGP points out that though pursis has been filed before the learned Trial Court, before whom Regular Civil Suit No.10 of 2026 is pending, yet no final order has been passed. Therefore, the said suit is still pending.

4. Here, it is to be noted that what has been challenged by the petitioner are show cause notices, those were given on 10.12.2025, 01.01.2026 and 12.01.2026. Only on the basis of show cause notices, there cannot be said to be cause of action. Further, whatever cause of action was there, the petitioner filed the substantial suit and we were surprised to note that a pursis has been filed for withdrawal of the suit. The petitioner has not produced copy of the said pursis Exhibit-11 in Regular Civil Suit No.10 of 2026. When substantial suit is pending, this cannot be taken as a fit case where we should exercise our powers under Article 226 of the Constitution of India, however, we are certainly of the opinion that it will take longer time to decide the suit, but then the representation has been filed by the petitioner before the respondent

authorities i.e. the District Collector, Jalgaon, Chief Executive Officer, Zilla Parishad, Jalgaon, Deputy Chief Executive Officer (Panchayat), Zilla Parishad, Jalgaon, Block Development Officer, Panchayat Samiti, Dharangaon and the Gram Panchayat officials. As per Government Resolution dated 25.03.2026, Gramsevak i.e. respondent No.5 is the appropriate authority, who should receive such applications. Accordingly, it appears that the application/representation dated 02.04.2026, though addressed to Gramsevak, it appears that copy has not been served on him. We therefore direct the petitioner to serve the copy of the application/representation dated 02.04.2026 to Gramsevak or file a fresh application under the said Government Resolution to respondent No.5 within a period of one week.

5. Respondent No.5, though not summoned, should act thereafter in accordance with the Government Resolution dated 25.03.2026.

6. The Committee that has been appointed under this Government Resolution for rural area should take decision on the representation of the petitioner within a period of four weeks on its own merits, while adopting the procedure contemplated under Government Resolution dated 25.03.2026.

7. Till the said decision is taken, the respondents shall not initiate action on the basis of the show cause notices dated 10.12.2025, 01.01.2026 and 12.01.2026.

8. In view of the above, the writ petition stands disposed of.

[AJIT B. KADETHANKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm