

Amberkar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 599 OF 2024

Gundabai Mahimanya Kale

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

.....

- Mr. Laxman Kalel, Advocates for Petitioner
- Mr. B.V. Samant, Addl. GP for State
- Mr. Prathamesh Patil a/w Ms. Manjusha Bhosale i/by M/s. P. Padmanabh Associates, Advocates for Respondent No. 3

.....

**CORAM : MILIND N. JADHAV &
NANDESH S. DESHPANDE, JJ.**

DATE : JUNE 15, 2026

P. C.:

1. Heard Mr. Kalel, learned Advocate for Petitioner; Mr. Patil, learned Advocate for Respondent No. 3 - Gram Panchayat and Mr. Samant, learned AGP for State.

2. Grievance of Petitioner is that Petitioner belongs to Pardhi Reserve Community and are in possession of certain lands as encroachers since long.

3. Mr. Kalel would refer to and rely upon several Government Notifications and Government Resolutions (GRs) (appended at page Nos. 19 and 20 of Petition) in the Application filed by Petitioner before the Collector on 20.03.2023. As pointed out by Mr. Samant to aid and

assist the Court not only the prayer in the present Petition is generic in nature but the entire constitution of the Petition is also generic. *Prima facie* after going through the same, we find that none of those Notifications / GRs are even annexed to the Petition.

4. Though Mr. Kalel would submit that he should be given an opportunity to annex the Notifications and GRs to impress upon the Court about entitlement of Petitioner to the subject lands which are in their occupation and on which the Petitioners are presently cultivating certain crops, however, in our considered opinion, after deliberating the issue and hearing the learned Advocates, we are of the firm opinion that Petition clearly falls short of details and is *prima facie* insufficient and therefore cannot be countenanced by Court in view of substantial disputed question of facts raised therein. However, if the Petitioners are in possession of any Government (गायान) land as stated in the Petition, the Petitioner can approach the concerned Competent Authority in accordance with law on the basis of the Notifications and GRs which are stated in the Application before the Collector.

5. Though Mr. Kalel would persuade the Court to refer the Application made to the Collector appended at page No. 17 for disposition and hearing, we are not inclined to do so. Every Application made by the Applicant cannot be simplicitor and *ipso facto* referred to the Competent Authority / Collector for decision. The

Application which is made needs to have some semblance of the issue which is stated therein. Grievance of Petitioner in the Application is that Petitioners are belonging to reserved community and are encroachers of Government (गायब) land since long. Reliance is placed on certain GRs for seeking substantial entitlement with regard to those lands. In that view of the matter, the Application, copy of which is appended at page No. 17, *prima facie* in our opinion falls short. Needless to state that Petitioner is in occupation of State land as admitted. Leave and liberty is granted to Petitioner to make appropriate Application before the Collector in accordance with law and in accordance with the Notifications and GRs which are mentioned in her Application appended at page No. 17. If any such Application is made to the Collector by Petitioner, the Collector shall consider the same strictly in accordance with law and pass appropriate orders thereupon expeditiously.

6. All contentions of Petitioner are expressly kept open in accordance with law.

7. With the above directions, Writ Petition is disposed.

[NANDESH S. DESHPANDE, J.]

[MILIND N. JADHAV, J.]