

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6496 OF 2025**

Mubarak Usman Mujawar ...Petitioner
VERSUS
The State of Maharashtra And Ors ...Respondent

WITH
WRIT PETITION NO. 6497 OF 2025

Adam Ibrahim Mujawar ...Petitioner
VERSUS
The State of Maharashtra And OrsRespondent

WITH
WRIT PETITION NO. 6498 OF 2025

Usman Ibrahim Mujawar Thru. M U Mujawar ...Petitioner
VERSUS
The State of Maharashtra And OrsRespondent

Mr. Siddhartha Ronghe, Advocate for petitioners in all writ petitions
Mr. A.P. Vanarase, AGP for State in WP/6496/2025
Mr. S.D. Rayarikar, AGP for State in WP/6498/2025 and 6497/2025

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 16th FEBRUARY 2026.

P.C.

1. Petitioners are aggrieved by the orders dated 28/04/2025 passed by respondent no. 3-Assistant Conservator of Forest, purportedly, after issuance notice under Section 53 and 54A of the Maharashtra Land Revenue Code, 1966 ('MLRC') thereby directing the petitioners to remove encroachment on the government land.

2. Learned advocate for the petitioners has assailed the impugned orders submitting that in fact, the orders ought to have been passed under Section 50 of the MLRC and an opportunity of

hearing ought to have been given to the petitioners by issuing notice under Section 50 of the MLRC. If the orders had been passed under Section 50 of the MLRC, the petitioners would have an opportunity to prefer appeal and revision. According to him, there is breach of principles of natural justice while passing the orders. He submits that the impugned orders are therefore, unsustainable and liable to be quashed and set aside.

3. Learned AGP has strenuously opposed the petitions stating that even if the contentions of the petitioners are accepted for the sake of arguments, then merely because wrong provision is quoted, cannot be a ground to set aside the impugned orders. He, therefore, submits that there is no merit in the petitions and petitions are liable to be dismissed.

4. Perusal of record shows that notice was issued to the petitioners under Section 53 and 54A of the MLRC directing them to show cause as to why encroachment made by them should not be removed. In the impugned order, a reference is made to the report submitted by Sub-Divisional Officer dated 28th March 2025. Learned AGP, on instructions, submits that the copy of the report is served on the petitioners.

5. From the record it is therefore clear that principles of natural justice were followed by the respondents before passing impugned orders. Therefore, there is no merit in the contention of petitioners

that the impugned orders are passed without following principles of natural justice.

6. Coming to the next submission of petitioners that the impugned orders ought to have been passed under Section 50 of MLRC. There appears merit in the said submission, because, if the orders are passed under Section 50 of MLRC the petitioners will have right to file appeal before the Appellate authority. Facts of the present case and record indicate that the impugned orders are passed under Section 53 and 54A of the MLRC, therefore, said orders shall be treated as passed under Section 50 of the MLRC and petitioners will be at liberty to challenge the orders before the Appellate authority on merits.

7. On 19th May, 2025, this Court has passed following order:

"2.Until such time, the order of demolition dated 28 April 2025 (at Exh. M page 199) be not acted upon till the adjourned date of hearing."

8. The aforesaid order is continued till date. In this view of the matter, said order shall continue to operate for a period of two weeks from the date of uploading of this order, so as to enable, the petitioners shall file appeal and obtain appropriate orders from the Appellate authority.

9. Needless to mention that period spent by the petitioners in prosecuting the present petitions shall be taken into consideration while considering condonation of delay, if any.

10. With the above observations, writ petitions stand disposed of.

(NITIN B. SURYAWANSHI, J.)