

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

WRIT PETITION NO.3214 OF 2018

Nabab s/o Farid Shaha Sayyad  
and ors.

.. Petitioners

Versus

The State of Maharashtra and ors.

.. Respondents

Mr C.R. Thorat, Advocate for petitioners

Mr V.S. Badakh, A.G.P. for respondents no.1 to 3, 5 and 6

Mr U.B. Bondar, Advocate for respondents no.4 and 7

MR B.A. Dhengle, Advocate for respondent no.8

**CORAM : R.M. BORDE AND  
A.M. DHAVAL, JJ.**

**DATE : 6th June 2018**

**PER COURT**

1. The policy prescribed by the State Government on 16.2.2018 prima facie appears to run contrary to the judgment of the Supreme Court in the matter of **Jaspalsingh and ors. Vs. State of Punjab, Civil Appeal No.1132/2011 SLP (C) No.3109/2011 decided on 28.1.2011**. If the State Government is desirous of regularising the encroachment over the gairan property, as reflected in the Government policy, alternate land for the gairan purposes two times the existing gairan in relation to which the occupancy sought to be regularised shall be made available for the villagers before taking any decision in respect of regularisation of occupation. It would be permissible to regularise the occupation over the gairan property only after the State Government prescribes the alternate land for the purpose of gairan, as specified in paragraph 2 (a) (aa) i.e. two times the area of existing gairan. Unless and until such alternate arrangement is made, even in terms of Government policy dated

16.2.2018, it would not be permissible for the Government to regularise the illegal occupation over the gairan property. Any such move would run contrary to the directions of the Supreme Court. The respondent - State shall file reply within four weeks from today.

2. Stand over to 5<sup>th</sup> July 2018.

**( A.M. DHAVALA, J.)**

**( R.M. BORDE, J.)**

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