

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH AT NAGPUR**

**WRIT PETITION NO.5856/2007**

Anandilal s/o Hajarimal Bhutada and anr. ..vs.. The Shegaon Municipal  
Council, Shegaon, Dist. Buldhana

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

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Mr. F. T. Mirza, Amicus Curiae.  
Mr. D. M. Kale, Advocate for respondent no.1.  
Mrs. Bharti Dangre, Government Pleader for respondent-State.  
Mr. A. B. Patil, Advocate for respondent no.6.  
Mr. D. M. Kakani, Advocate for respondent no.11.  
Mr. D. V. Chavan, Advocate for intervenor.  
Mr. Gandhi, Advocate for intervenor.

**CORAM : B. R. GAVAI & V. M. DESHPANDE, JJ.**  
**DATE : SEPTEMBER 29, 2016**

Vide order dated 28.07.2016, this Court had directed the respondent-State to place on record the details about the land available at Khalwadi area and the particulars about the land occupied by the encroachers, leaseholders and private property owners. In response to the said directions, an affidavit has been filed by Divisional Commissioner, Amravati on 10.08.2016 pointing out therein that out of the total land at Khalwadi which is 4.88 Hectares, 23 private plot owners own the property admeasuring 0.87 R. Whereas the leaseholders have occupied 11 plots comprising of 0.24 R. It is further stated that the area occupied by the encroachers is 3.77 Hectares and that they have encroached on 73 plots.

Taking into consideration the complications that

may arise on account of acquisition of the land owned by the private parties and leased out to some other persons by the State Government, we had requested Mr. Patil, the learned counsel appearing on behalf of the Sansthan to take instructions from the Sansthan as to whether the Sansthan was willing to hand over the land admeasuring 11 Acres to the Government in lieu of the land admeasuring 3.77 Hectares and construct a parking plaza on the same.

Mr. Patil, learned counsel for the Sansthan, on instructions states that the Sansthan is willing to construct the parking plaza on the area admeasuring 3.77 Hectares and surrender the land owned by the Sansthan admeasuring 11 Acres to the Government for the purpose of rehabilitation of the encroachers in the Khalwadi area.

In that view of the matter, we direct the State Government to prepare a scheme for rehabilitation of the encroachers in the Khalwadi area on the land owned by the Government. We further direct the Sansthan to hand over the area admeasuring 11 Acres on Akot road to the State Government for implementation of the Scheme. It is further directed that after rehabilitation is complete, the land at Khalwadi area admeasuring 3.77 Hectares shall be handed over to the Sansthan for construction of the parking plaza. The Sansthan has also agreed to rehabilitate the eligible persons who were running commercial establishments, in the parking plaza to be constructed by the Sansthan.

We grant four weeks time to the State Government to submit a scheme for rehabilitation of the

encroachers of the area admeasuring 3.77 Hectares on the land to be surrendered by the Sansthan on Akot Road.

Stand over to 27.10.2016.

**Civil application No. 2037/2016**

In view of the subsequent developments, consideration of the present application would not be necessary and as such the application is disposed of.

**JUDGE**

**JUDGE**

kahale

**CERTIFICATE**

I certify that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order.

Uploaded by: Y. A. Kahale.

Uploaded On:03.10.2016