

(1998) 04 SC CK 0033

In the Supreme Court Of India

Case No : C.A. No. 2216 of 1998 (Arising out of SLP. (C) No. 14278/97)

State of Maharashtra

APPELLANT

Vs

Alka B Hingde

RESPONDENT

Date of Decision : 17-04-1998

Acts Referred:

Citation : AIR 1998 SC 2342 : (1998) AIRSCW 2313 : (1998) 3 JT 464 : (1998) 2 RLW 299 : (1998) 3 SCALE 207 : (1998) 4 SCC 315 : (1998) 4 Supreme 219

Hon'ble Judges : S.P. Kurdukar, J;G. T. Nanavati, J

Bench : Division Bench

Final Decision : Allowed

Judgement

Nanavati, J.—Leave granted. Heard learned counsel for the parties.

2. The appellant-State is challenging in this appeal the interim order passed by the High Court in writ petition No. 2029/97. By the said order the High Court directed the Collector to remove encroachments and report compliance within 72 hours. It was submitted by the learned counsel appearing for the State that considering the large number of persons on the land and the fact that they are all hut men dwellers it is not possible to remove them as directed by the Court within 72 hours and therefore the direction given by the High Court should be quashed as it is unreasonable. We find considerable substance in this contention. It should have been appreciated that high handed removal of such persons would not only create a law and order problem but also a humanitarian problem as they have no other place to stay. In such cases the court should be more careful and reasonable while giving directions to the authorities. It was not possible for Mr. U.U. Lalit to support this order and the only submission which he could make was that the Collector should have been directed to remain encroachments within some reasonable time. The impugned order of the High Court is, therefore, set aside. We, direct the Government and its officers to decide as early as possible whether the land is to be restored to the respondent or it intends to put it to any other public purpose. In case it is not required by the State for any other public

purpose then the Government and its officers are directed to take steps for removing the encroachments within reasonable time.

3. The appeal is allowed accordingly. The order of the High Court stands modified to that extent. No order as to costs.