



International Environmental
Law Research Centre

PRADIP PRABHU
VS.
STATE OF MAHARASHTRA

Pradip D. Prabhu and Ors vs. State of Maharashtra and Ors, Supreme Court of India (Kuldip Singh, N. Venkatachala and S. Saghir Ahmad, JJ), Writ Petition (C) No. 4647, 5564-67 and 7339-43 of 1982, 13696-700 of 1983, 15206-08 of 1984 and 1778 of 1986, Decision of 7 March 1995

*This paper can be downloaded in PDF format from IELRC's website at
<http://www.ielrc.org/content/c9502.pdf>*

ORDER

1. We have heard learned counsel for the parties. There is almost consensus between the learned counsel that these matters be referred back to the Government of Maharashtra for fresh decision keeping in view the merit of each case. These petitions being public interest litigation have been filed on behalf of landless adivasis occupying various lands in various districts of Maharashtra. It is not disputed that the adivasis have encroached upon the land and further that the land under their possession is the forest land. It is alleged in the petitions that the adivasis have been in possession of the land since prior to 1978. The claim of the petitioners is that the Government of Maharashtra have issued instructions from time to time whereunder it has been provided that the persons who are in possession of lands for a particular period of years, their possession may be regularised in terms of the government instructions. Apart from that, it is not denied that the Government of India have also issued instructions dated 18-9-1990 laying down guidelines in this respect. The petitioners' only claim is that their cases for regularisation be considered in terms of the instructions issued by the State of Maharashtra from time to time and also the above-mentioned instructions of the Government of India. We see considerable force in the contention of the learned counsel for the petitioners.

2. We direct the State of Maharashtra to appoint responsible officers in different districts to examine the claims of adivasis who are in possession of land and decide their claims for regularisation in accordance with law and the above-mentioned instructions.

3. Needless to say that while determining the rights of the adivasis for regularisation, they shall be given an opportunity to be heard by the officers concerned and also to adduce evidence in support of their claims. We further direct that till the cases of adivasis concerned are finally disposed of, they shall not be dispossessed from the lands which are in their possession. The writ petitions are disposed of in the above terms. No costs.

Writ Petitions (C) No. 13696-700 of 1983

4. We have heard learned counsel for the State of Madhya Pradesh. These petitions being public interest litigation have been filed on behalf of landless adivasis occupying various lands in various districts of the State of Madhya Pradesh.

5. We direct the State of Madhya Pradesh to appoint responsible officers in different districts to examine the claims of the adivasis who are in possession of the various lands and decide their claims for regularisation in accordance with the instructions of the Government of India.

6. Needless to say that while determining the rights of the adivasis for regularisation, they shall be given an opportunity to be heard by the officers concerned. We further direct that till the cases of adivasis concerned are finally disposed of, they shall not be dispossessed from the lands which are in their possession. The writ petitions are disposed of. No costs.

www.ielrc.org