

Gairan land encroachment in Maharashtra: Official surveys do not always show the real picture, say those affected

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The old school building in Pimpri Budruk built on the land that is registered as Gairan land in the government records. Photo: Rushikesh Gawade

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In November 2022, over 240 households in Pimpri Budruk village in Pune district in Maharashtra were served notices by the Gram Panchayat, asking them to demolish the houses they were living in, within 10 days from the receipt of the notice.

The houses were among 222,153 constructions in the state, that according to the state government, are built illegally on the *Gairan* (common pasture land) lands of Maharashtra.

The villagers however claim that they have been living in the same place for many generations and they have no idea when and how the land they were living on became a *Gairan* in the records of the government.

The villagers of Pimpri Budruk, along with around 60 other villages in the Khed block of Pune district, participated in a protest march, demanding the revocation of the notices and “regularisation” of the houses. The protest happened in the first week of December at the block headquarters.

In the past few weeks, similar protests have happened at many other places in the state as notices were received by thousands of other villagers in the state.

What prompted the notices?

In June 2022, the Bombay High Court was hearing a public interest litigation (PIL) where a person was accused of encroaching on the *Gairan* land in Halswade village of Karveer block in Kolhapur district.

The person, an advocate from that village, had allegedly misused his political influence to grab the common land and was building a three-storeyed cement building on that land.

The high court had to dispose of the PIL on technical grounds as it found a “personal interest” angle in it. However, it also stated that it could not turn a blind eye to the facts that were revealed during this case about the widespread and “rampant” encroachments on *Gairan* lands all over the state.

The court hence took *suo motu* cognisance of this issue and filed another PIL to look into this matter.

In an affidavit filed before the Bombay High Court in the above mentioned *suo motu* PIL, the state government September 15, 2022 said there are around 222,153 illegal constructions on *Gairan* lands in the state. The approximate area occupied by them is 10,089 hectares.

The court, on October 6, had further directed the state government to file another affidavit with a road map for the “removal of all encroachments by the end of this year”. The notices sent to villagers came after this hearing.

The Bombay High Court, while taking up this PIL about village common lands, referred to a judgement by the Supreme Court of India given in 2011 in a similar case of common land encroachment (*Jagpal Singh vs State of Punjab*) by a “powerful” person “for personal aggrandizement at the cost of the village community”.

In the ruling on this case, the Supreme Court had directed all state governments to formulate schemes for speedy eviction of all the encroachers on village common lands.

The chief secretaries of all states were directed to file compliance reports before the court regularly. An exception only could be made in cases where the encroachers were landless labourers or persons belonging to Scheduled Castes and Scheduled Tribes.

The Government of Maharashtra issued a government notification July 12, 2011, following this order by the apex court. It reiterated its commitment to protect common lands from encroachment.

The state government informed in the affidavit submitted in the Bombay High Court that 24,513 illegal constructions on *Gairan* lands have been removed between July 12, 2011 and September 15, 2022. The number of regularised encroachments on the village common lands till July 12, 2011 stood at 12,652.

Faulty work?

The residents of Pimpri Budruk argue that government maps do not follow the ground reality of their village.

“We have been living here for at least 125 years. Remains of our old houses are still visible around our new houses. Let alone the law that declared this land as a pasture, even the government of independent India didn’t exist when our ancestors started living here. How can they question the legitimacy of such an old settlement?” asked Machchindra Bhujbal, a resident of Pimpri Budruk and a former member of the village Panchayat.

According to Article 22 of the Land Code of Maharashtra 1966, the survey officer employed under the code or the collector could assign ‘unoccupied lands’ in villages for specific purposes of common uses.

These lands, once assigned to a specific purpose, cannot generally be diverted for other uses.

Under this code, the *Gairan* lands are meant to be reserved for grazing and the *Gaothan* lands are reserved for building houses for village residents.

The inhabitants of Pimpri Budruk alleged that whoever conducted land surveys in their village falsely demarcated the place they were living on as *Gairan* land.

They pointed towards their old houses and an old building of a government school to support their claim that they had been living at the same place even before the land surveys were carried out.

The villagers also pointed out that over 59 hectares of land in the village, which is disproportionately higher than many other villages in Maharashtra, is registered as *Gairan* land and a very small patch of land in the village is kept as *Gaothan* land.

The people conceded that some powerful people might have been utilising a disproportionate amount of common land for furthering their own private interests. But they argued that wholesale serving of demolition notices to everyone was unjustified.

“In some villages near commercial centres like Chakan in Pune district, powerful people are in fact illegally grabbing common lands and building houses to give out on rent,” Amod Garud, a local activist, said.

“But in many villages like Pimpri Budruk, either the demarcation was incorrect or the *Gaothan* land was so insufficient that the villagers had no other option but to build houses on other categories of common lands. The government and the judiciary need to differentiate between these two categories,” he added.

When this writer spoke to the local revenue officials, they could not pinpoint the exact time when the land the villagers have been residing upon came to be registered as *Gairan* in government books. The notices to the villagers were sent only on the basis of the current land records of the village.

Format of the demolition notices sent to the villagers by the Gram Panchayat

“Our forefathers settled on this hilly area probably because they wanted to be protected from floods. As the population kept increasing, new houses were built on the space that was available adjacent to the old ones. That’s how our settlement has developed here,” Kisan Thakur, a resident of the village told this writer.

He added that if the eviction decision was implemented, the centuries-old village community will get completely disrupted.

The most threatened lot are the residents of Indira Nagar, a settlement in Pimpri Budruk where most of the residents are landless labourers belonging to a Scheduled Caste.

According to them, the houses in the settlement were built over the last few decades, under the Indira Aawas Yojana, a housing scheme of the central government.

The residents claim that all of them have been paying *Ghar Patti* (house tax) to the Gram Panchayat since many years. Yet, all these houses have received notices for demolition.