

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****CIVIL APPLICATION NO. 269 OF 2016****IN****SECOND APPEAL (ST) NO. 28020 OF 2015****Ramchandra Raghunath Igave & Ors. Applicants****VERSUS****The State of Maharashtra,
Through the Collector, Satara & Ors. Respondents**

Mr. Nilesh Patil for the Applicants.

Mr. Rajan Pawar, A.G.P. a/w. Ms. Poonam Bhosale for Respondent Nos. 1 to 3.

Mr. Dilip Bodake for Respondent Nos. 4A to 4E.

CORAM : R.D. DHANUKA, J.**DATED : 11th FEBRUARY, 2016****P.C.**

Papers are allowed to be produced at 03.00 p.m.

2. Applicants seek to press prayer clause(c) of the civil application on the ground that the Grampanchayat has issued the notice which is annexed at Ex.H is without granting any personal hearing to the applicants. Learned counsel appearing for respondent nos. 4A to 4E invited my attention to the notices annexed to Ex.H to the civil application and would submit that some of such notices are issued to some third parties which are annexed to the civil application in respect of which stay is sought are not parties to the second appeal or were not even parties to the proceedings before the learned trial judge as well as before the lower appellate court. Such parties are not even parties to the present civil application nor the Grampanchayat is party to the civil application. He submits that the applicants may have any independent cause of action against the Grampanchayat

and thus no such relief can be granted in this civil application.

3. In my view, the objections raised by the learned counsel for the respondent nos. 4A to 4E deserves acceptance. The said notice issued by the Grampanchayat is not the subject matter of the present second appeal. Grampanchayat is not even a party to the present proceedings. No relief in respect of the said notices can be granted by this court in the present proceedings. It is made clear that this court has not expressed any views on the merits of the notices issued by the Grampanchayat and the same can be decided in the appropriate proceedings.

4. Learned counsel for the applicants submits that insofar as prayer clause (b) is concerned, the said prayer is also prayed in the another civil application filed in the second appeal and he would pursue the said prayer in the other civil application bearing no. 1738 of 2016. This civil application in my view is accordingly misconceived and is rejected. No order as to costs.

[R.D. DHANUKA, J.]