

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2122 OF 2015

Sitaram Sakharam Kakde Vs. State of Maharashtra thr Collector Washim & Ors.

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

Court's or Judge's Order

Shri S. D. Chande Adv for petitioner.
Ms. T. Khan AGP for respondents 1 & 2.
Shri S. Saoji Adv for respondent no. 4.
Shri A. Kadukar Adv for respondent no.5.

**CORAM: SMT. VASANTI A. NAIK &
A. S. CHANDURKAR JJ.**

DATED: 15th FEBRUARY, 2016.

By this petition, the petitioner seeks the implementation of the order of the Additional Collector, Washim dated 27.05.2014.

It is stated on behalf of the petitioner that despite the order of the Additional Collector, Washim dated 27.05.2014 directing the Gram Panchayat to remove the encroachment made by the respondent no.5 on the concerned property, the Grampanchayat has not taken any action for removal of encroachment.

Shri A. Kadukar, the learned counsel for the respondent no.5 states by referring to the civil suit filed by the respondent no.5 against the petitioner and others, including the Grampanchayat that the trial Court has, by an order dated 28.07.2015 restrained the defendant from obstructing the

peaceful possession of the respondent no.5 on the suit property. It is stated since the Grampanchayat is restrained from obstructing the peaceful possession of the respondent no. 5 on the property, a direction to the Grampanchayat to implement the order of the Additional Collector cannot be issued.

On a perusal of the order passed by the trial Court on the application filed by the respondent no.5 for temporary injunction, we find that the relief sought by the petitioner cannot be granted. The writ petition is disposed of with no order as costs.

JUDGE

JUDGE

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