

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1361 OF 2019

Sanjay Ankush Kale

.. Petitioner

Versus

Sarpanch Group Gram Panchayat Koli

Bodkha, Tq. Paithan and another

.. Respondents

Shri Balaji S. Chondhekar, Advocate for the Petitioner – absent.

CORAM : S. V. GANGAPURWALA, J.

DATE : 12TH JULY, 2019.

FINAL ORDER :

1. When the matter is called out none appears for the petitioner.

2. The petitioner is original plaintiff. Along with suit, the petitioner filed an application for temporary injunction. The application for temporary injunction is rejected. Appeal filed against the said order is also dismissed. The petitioner is challenging concurrent finding in the present writ petition.

3. It has been observed that, the respondent is taking efforts to construct the water tank for public purpose and for that the construction of the petitioner was sought to be removed by them.

The Courts have concurrently observed that, the petitioner does not have prima facie case and that construction of the petitioner over the suit property is illegal encroachment and the respondent/Gram Panchayat has every power to remove the same for the benefit of people at large.

4. Considering concurrent findings of fact, the writ petition is dismissed. No costs.

[S. V. GANGAPURWALA, J.]

bsb/July 19