

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10677 OF 2017

Mr.Sorab Faiyab Khan

...Petitioner

vs.

Gram Panchayat Khoni and Ors.

...Respondents

Mr. Somnath Thengar i/b Mr. Sachin Dhakephalkar for the Petitioner.

Mr. Rajesh S. Datar for Respondent Nos.6 and 8.

Mr. Siddhesh Kalel, AGP for Respondent No.12.

**CORAM : B. P. DHARMADHIKARI &
SANDEEP K. SHINDE, JJ.**

DATE : 26/09/2019.

PC.:

. Mr. Thengar, learned counsel appears for the petitioner and Mr. Kalel, learned AGP for Respondent No.12 and Mr. Datar, learned counsel appears for Respondent Nos.6 and 8. Nobody appears for other respondents.

2. Petitioner seeks execution of notice dated 14/4/2017 served upon private respondents by Gram Panchayat.

3. Gram Panchayat has informed those respondents that construction being raised by them was not on their survey number, but it was being raised on survey No.74 of the petitioner, who is the owner of survey No.74. Gram Panchayat thus states that because of this grievance it wanted to ascertain the location of construction, but respondents are not cooperating. It has therefore directed respondents to get their land measured and demarcated and to submit necessary papers within two days. Reply filed by the respondent shows that they have raised their structures

in 2003 itself. Thus, Gram Panchayat appears to have issued notice after about 14 years of completion of structure.

4. Respondents could have supplied necessary documents to Gram Panchayat but they have not done so. Therefore we are not concluding this aspect.

5. However, it is apparent that according to the petitioner construction being raised then by respondent was not on lands purchased by respondents but it was encroachment on his survey No.74.

6. The disputed questions therefore arise. Gram Panchayat has already asked the respondents to get the property demarcated.

7. We permit the petitioner to apply to office of DILR/TILR for getting survey No.74 measured and demarcated. If after such demarcation any encroachment is found on survey No.74, it is open to the petitioner to approach Competent Court for its removal.

8. If application for demarcation is moved by the petitioner within a period of 4 weeks from today, the concerned authority shall complete the measurement and demarcation in accordance with law within a period of next 3 months.

9. With this direction, we dispose of the Writ Petition.

(SANDEEP K. SHINDE, J.)

(B. P. DHARMADHIKARI, J.)