

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

**SECOND APPEAL NO.256 OF 2020
WITH
CIVIL APPLICATION NO.11657 OF 2022**

Pradip s/o. Devidasrao Sawant ..Appellant
Vs.
The Block Development Officer
and anr. ..Respondents

**SECOND APPEAL NO.50 OF 2022
WITH
CIVIL APPLICATION NO.7219 2022**

Bappaji s/o. Kashinath Kapre ..Appellant
Vs.
The Block Development Officer
and anr. ..Respondents

Mr.A.D.Gade, Advocate for appellants

**CORAM : R.G. AVACHAT, J.
DATE : SEPTEMBER 22, 2022**

ORDER :-

Heard.

2. It is a case of concurrent findings of fact. The appellants have been held to be encroachers on the land from survey No.11/1. The entire land in survey no.11/1 has been acquired way back in 1960. There was a suit pending between the original owner of that land and

the State Government. The land owner has been unsuccessful. The decree passed in that suit has attained finality.

3. The appellants/plaintiffs herein claimed to have acquired the suit property under a registered sale deed executed in 1996. The trial Court has rightly observed that the vendor did not have any right, title and interest in the suit land. He could not transfer the same. As such, the appellants/plaintiffs herein are claiming through one, against whom the decree has attained finality. It is the land acquired by the State Government. The appellants have established kiosks and are doing business therefrom. Their status is not more than that of encroachers.

4. In view of the above, this Court is not inclined to issue notice in these Second Appeals. The appeals are, therefore, dismissed.

5. In view of the above, Civil Applications stand disposed of.

[R.G. AVACHAT, J.]

KBP