

ISM

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO. 9194 OF 2021**

SATISH MADHAVRAO KHAIRNAR

....PETITIONER

V/s.

STATE OF MAHARASHTRA THR THE
COLLECTOR NASHIK AND ORS

.....RESPONDENTS

Mr. Anilkumar R. Patil Advocate for the Petitioner
Mr. Jitendra Pathade for Respondent nos. 2 to 5
Mr. S. D. Rayrikar AGP for Respondent State

CORAM : NITIN W. SAMBRE, J.

DATE: FEBRUARY 22, 2022.

P.C.:

- 1) Heard.
- 2) In a Suit for grant of permanent injunction from giving effect to a notice of demolition issued by the Grampanchayat, prayer for grant of temporary injunction is rejected by the trial Court which order is confirmed in Appeal. As such, this Petition.
- 3) Mr. Patil, learned counsel for the Petitioner would urge that Respondent-Defendant Grampanchayat has taken recourse to pick and chose method thereby victimizing the Petitioner. According to

him, Petitioner is singled out qua the action of demolition initiated against his client. He would urge that structure in question is in possession and holding the ground since last about 50 years of which the Court must take judicial note.

4) Prayer is opposed by the counsel for Respondent.

5) The fact remains that structure is not sanctioned by any of the planning authority. Apart from above, there are concurrent finding of facts recorded by both the Court below. Petitioner has encroached on sewerage line are the findings of fact recorded by both the Courts below.

6) In that view of the matter, I hardly see any reason which warrants interference in extraordinary jurisdiction. Petition is accordingly rejected.

7) In response to the submission made by learned counsel Mr. Patil, Mr. Pathade, learned counsel for Grampanchayat submits that prayer for regularization, if so moved, may be considered in accordance with law.

[NITIN W. SAMBRE, J.]