

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

WRIT PETITION NO.14356 OF 2018

Tukai Devi Mandir Trust

..... Petitioner

Vs.

Grampanchayat, Roti
Tal. Daund, Dist. Pune & Ors.

..... Respondents

Mr. S.R.Nargolkar, Ms.Deepti B. Mistry i/b Mr.Ganesh K.
Sovani for the Petitioner

Ms.Kavita Solunke, A.G.P. for the State

Mr.Nitin Deshpande for the Respondent nos.1 and 4

**CORAM: S.V. GANGAPURWALA &
M. G. SEWLIKAR, JJ.**

DATED : APRIL 28, 2022

P.C.

1. We have heard the learned Counsel for the Petitioner and Respondents. So also, the learned A.G.P. The grievance of the Petitioner is that the Petitioner trust is a private trust. The finding is also given by the office of the Joint Charity Commissioner in its order dated 01.12.1999 in Revision Application No.19 of 1996. The Gram Panchayat also raised a dispute. Gram Panchayat had passed a resolution that Tukai Devi Mandir is property of Gram

Panchayat Village. The Petitioner assailed same. Eventually, the SDO under its order dated 28.04.2008 in an Appeal filed by Gram Panchayat under section 59 of the Bombay Gram Panchayat Act (as it then was) dismissed the Application of the Gram Panchayat and directed to register the Petitioner trust in Form No.8 in the Gram Panchayat property register. The said order it appears, has become final.

2. The learned Counsel for the Petitioner submits that Gram Panchayat had also filed Civil Suit claiming ownership. The said Civil Suit in the year 2015 is dismissed for non-prosecution.

3. Be it as it may, if the Gram Panchayat wants to establish its right over the property in accordance with law, it may do so.

4. Today, the order of SDO dated 28.04.2008 stands. In view of that, there will be no impediment to implement the said order.

5. The order dated 28.04.2008 passed by SDO rejecting the Application of the Gram Panchayat Roti bearing Panchayat Application No.35 of 2007 be implemented and the name of the Petitioner be incorporated as an owner in Form no.8 of Gram Panchayat property register preferably within four months. In case, the Gram Panchayat claims independent right, it is for the Gram Panchayat to avail of the remedy, as may be permissible.

6. Writ Petition disposed of. No costs.

(M. G. SEWLIKAR, J.)

(S.V. GANGAPURWALA, J.)