

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**SECOND APPEAL NO.93/2022**

Rama Dharma Chandekar

Vs.

Secretary, Gram Panchayat Ner, Akapur, Tq. Maregaon, Dist. Yavatmal

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

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Shri Sayajee Jagtap, Advocate for appellant  
Shri K.A. Kothari, Advocate for respondent  
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**CORAM : SMT. M.S. JAWALKAR, J.**

**DATED : 20/10/2022**

Heard learned Counsel for appellant as well  
as learned Counsel for respondent.

2. By the issuance of notice on 05/07/2022, the proposed substantial questions of law were framed. The learned Counsel for respondent pointed out additional documents filed by the appellant, wherein the appellant himself admitted in the cross that he had encroached 90 x 50 sq. mtrs land, so that he will get the house on the said plot. The appellant's plot No.15 is admeasuring 30 x 50 sq. ft. As such, there is a clear admission on the part of appellant that he has encroached plot Nos.16 and 17. It is the contention of the appellant that learned Trial Court or learned Appellate Court has not considered that the land belonging to Government and before removing of encroachment on the Government land, they have to follow the procedure in Section 53(2) of the Maharashtra Village Panchayat Act.

3. There is nothing on record to show that no such permission from the Collector was taken nor that was the ground. The Government is not party respondent to the said proceeding nor allottee of plot Nos.16 and 17 are the parties.

4. The learned Trial Court rightly appreciated all the facts and held that no permanent injunction can be granted as claimed, as plaintiff is not having any right over the plot. The plaintiff is holding possession of plots i.e. plot Nos.16 and 17 illegally and there is no any obstructions on the part of allottee of plot Nos.16 and 17 in his possession over plot No.15.

5. Both the Courts below recorded their concurrent findings. There is no substantial question of law involved in the matter. I do not see any reason to interfere in the findings recorded by both the Court below, specifically when the plaintiff himself admitted that he has encroached the plot Nos.16 and 17 so as to get house over it. The appeal stands dismissed as devoid of any merit.

**JUDGE**

*R.S. Sahare*