

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

WRIT PETITION NO. 1556 OF 2019

Munna Keju Dhurve Vs. The Divisional Commissioner and ors

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

Court's or Judge's orders

Mr. PPDeshmukh, Advocate for petitioner
Mr. N.R.Rode, AGP for Respondent No.1
Mr. Chaitanya Kulkarni, Advocate for the respondent No.4

CORAM : AVINASH G. GHAROTE, J.
DATE : 11/08/2022

1] Heard Mr. Deshmukh, learned counsel for the petitioner, Mr. Rode, learned AGP for Respondent No.1 and Mr. Kulkarni, learned counsel for Respondent No.4.

2] Though Respondent Nos. 2 and 3 are served, none appears.

3] The petition challenges the order dated 3.9.2018 (page 46) passed by Respondent No.1, whereby the appeal filed by the present petitioner under Section 53(3A) of the Maharashtra Gram Panchayat Act, 1959 has been dismissed by holding that the petitioner has committed an encroachment of 900 sq.ft on the Gram Panchayat land, which is bearing House No. 264.

4] It is submitted by Mr.Deshmukh, learned counsel for the petitioner that under the Government

Resolution dated 15.2.2018 and under the Houses for All Scheme, 2022, the encroachment made by the petitioner has been regularized by the learned Sub Divisional Officer by the order dated 6.10.2018.

5] Obviously, since this order of the SDO was subsequent to the order of the learned Divisional Commissioner, the same has not been taken into consideration while passing the impugned order dated 3.9.2018. The order dated 6.10.2018 passed by the SDO would definitely have a material bearing upon the claim of the petitioner and needs consideration, in view of which the impugned order is hereby quashed and set aside and the matter is remanded back to Respondent No.1 to pass an order afresh after taking into consideration the order dated 6.10.2018 passed by the SDO (page 50) and after affording an opportunity of hearing to all.

6] The petition is allowed in above terms. No costs.

JUDGE

Rvjalit