

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

905 WRIT PETITION NO.3394 OF 2023

**VISHWANATH MANIKRAO KHULE
VERSUS
THE ADDITIONAL DIVISIONAL COMMISSIONER 1 AND
OTHERS**

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Advocate for Petitioner: Mr. Kulkarni Vaibhav B.
AGP for Respondent/State: Mr. P. G. Borade

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CORAM: ARUN R. PEDNEKER, J.

DATE: 24th MARCH, 2023

PER COURT:

1. Heard.

2. The concurrent findings of both the authorities below is that the respondent panch member has not encroached upon the Government land. The finding is assailed before this court in the present writ petition. It is the contention of the petitioner that there is no evidence to show that the respondent is residing at the place where he claims to reside. However, the panchnama indicates that he has been staying separately from his family members including his parents and his brothers and that he has an independent place to

reside, which is not an encroached property. The finding rendered is that the respondent has not joined any encroached property. This finding of fact rendered by two authorities cannot be reopened unless the same is perverse. I see no perversity in the same.

3. In view of the same, the petition is dismissed.

[ARUN R. PEDNEKER, J.]

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