

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

**922 CIVIL APPLICATION NO.3736 OF 2023
IN
WP/942/2022**

**VISHNU MAHADU SASANE
VERSUS
THE STATE OF MAHARASHTRA
THROUGH SECRETARY AND OTHERS**

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Advocate for Applicant: Mr. Rajput Deepak K.
AGP for Respondent/State: Mr. K. B. Jadhavar
Advocate for Respondents No.7 to 9:
Mr. C. D. Biradar
Advocate for Respondent No.10:
Mr. C. R. Thorat h/f. M. S. Karad

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CORAM: ARUN R. PEDNEKER, J.

DATE: 30th MARCH, 2023

PER COURT:

1. The application is moved for clarification of order dated 06.03.2023. In the application it is contended that the land occupied by the respondent Panch is a Government land and the remand order issued by this court is limited to examine whether the occupied land continues to be the Government land and if so to disqualify the Panch. However, the applicant contends that the encroachment is also beyond the alleged allotment. This court has remanded the matter with observation at paragraph no.12 as under:-

"12. In view of the same, the impugned orders dated 05/01/2022 passed by the Additional Divisional Commissioner, Aurangabad and order dated 28/10/2021 passed by the District Collector, Aurangabad are quashed and set aside. The matter is remitted back to the Collector to render findings as to the nature of the possession of the petitioner, qua the alleged encroached land. The Collector to examine the aspect of allotment of land to the petitioner's family and only after holding that the land continues to be a government land and the petitioner's possession (if any) over the government land is in a nature of an encroachment that the petitioner can be disqualified."

2. I do not see any reason to issue clarification of my above Judgment. All the contentions of the applicant within the scope of Section 14(1)(j-3) of the Maharashtra Village Panchayat Act, 1958 are kept open and to be canvassed before the Collector

3. All contentions are kept open and to be decided with reference to the observations made in para 12 of the order dated 06.03.2023.

4. The civil application stands disposed of.

[ARUN R. PEDNEKER, J.]