

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

WRIT PETITION NO.14176 OF 2022

Vilas Anandrao Patil

..... Petitioner

Vs.

Vijay Panditrao Patil

..... Respondent

Mr. Kuldeep U. Nikam for the Petitioner.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 19th JUNE 2023.

P. C.

1. The petitioner by way of this petition questions the order dated 22/10/2019 passed by the learned District Judge, Sangli in Misc. Civil Appeal No.1/2018 as well as the order dated 30/11/20017 passed by the learned C. J. J. D., Palus below Exhibit 5 in R.C. S. No.63/2017.

2. The dispute appears to be in respect of construction which is being carried out by the petitioner on his own plot of land bearing City Survey No.376. The Respondent is the owner of adjacent property bearing City Survey No.375. R. C. S. No.63/2017 is filed by the respondent claiming that the construction which has been carried out by the petitioner is not according to the Rules and Regulations governing the construction and that the petitioner has not left certain margin from the

boundary of C. S. No.375.

3. Heard learned counsel for the petitioner.

4. Ownership of the property is not disputed. The impugned order dated 22/10/2019 records that the order of the trial Court has not stopped construction of the petitioner. The learned Trial Court has granted the injunction in respect of obstructing possession of the respondent by the petitioner. The impugned order specifically clarifies that the petitioner is allowed to construct on his plot of land bearing City Survey No.376 as per the provisions of the Maharashtra Village Panchayats Act 1958, and the Rules framed thereunder by keeping side margins from the common boundaries.

5. In view of the fact that the construction is being carried out in accordance with the Rules and Regulations, I do not find any reason for interfering in the order in as much as there is no injunction restraining the petitioner from carrying out construction on his own property.

6. As the impugned order does not affect the petitioner's right to carry out construction over his own plot, there is no reason to interfere with the impugned order.

7. The petition stands disposed of.

SHARMILA U. DESHMUKH, J.