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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6198 OF 2023

Rajashree Rajaram Patil

...Petitioner

Versus

Group Gram Panchayat, Nagaon, Alibaug, Raigad
& Ors

...Respondents

Mr Mihir Govilkar, for the Petitioner.

Mr Prashant P Raul, for Respondent No.1.

Mr Drupad S Patil, for Respondent No.2.

Mrs PJ Gavhane, AGP, for the Respondent-State.

**CORAM G. S. Patel &
Neela Gokhale, JJ.**

DATED: 1st August 2023

PC:-

1. This is a Writ Petition that should never have been filed. The Petitioner and Respondent Nos. 2, 3 and 4 are siblings. Respondent No.1 is the group Gram Panchayat and Respondent No.5 is the State of Maharashtra.

2. The family is locked in disputes about a property at Village Nagaon, Taluka: Alibag, District: Raigad. The Petitioner has filed a Regular Civil Suit No.70 of 2023 in which the present Petitioner has obtained an order of status quo under Order 39 of the Code of Civil Procedure, 1908.

3. The Writ Petition seeks injunctive orders against the Gram Panchayat to stop demolition or construction on the disputed

property, i.e., to direct the Gram Panchayat to maintain status quo. That order has already been granted by the Civil Court. The Gram Panchayat cannot pass orders of status quo. It can either permit demolition or it can permit construction. But with an order of status quo from the Civil Court, it can do neither. There is nothing pointed out in the Petition to indicate any fault or failure on the part of the Gram Panchayat at all. We fail to understand Mr Govilkar's submission on behalf of the Petitioner. The reliefs sought in this Petition are nothing but reliefs in the suit.

4. There is no doubt that the Gram Panchayat will abide by orders in the civil suit. The Affidavit in Reply from page 53 of the Gram Panchayat makes precisely this point, viz., that there are seriously disputed questions of fact, that this is a family dispute over property and that there are pending proceedings in the Civil Court in which there is now an order of status quo granted.

5. As such, there is no reason for us to entertain this Writ Petition. It is rejected.

6. The civil proceedings will continue on merits unaffected by the order in this Writ Petition.

7. We clarify that nothing in the Affidavit in Reply is to be read as an admission by the Gram Panchayat on the merits of the matter.

(Neela Gokhale, J)

(G. S. Patel, J)