

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

WRIT PETITION NO. 3811 OF 2023

Sunil Chaitramji Kamdi__ Vs. __ Additional Collector, Nagpur 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.N.L.Jaiswal, Advocate for petitioner
Mrs. M.A.Barabde, AGP for respondent No.1
Mr. Aniket Wagdhare, Advocate for caveator

CORAM : AVINASH G. GHAROTE, J.
DATE : 21/06/2023

1] Heard Mr. Jaiswal, learned counsel for the petitioner.

2] The petition questions the order dated 1.6.2023 passed by the respondent no.1, whereby the application for discarding the affidavits and documents filed by the respondent no.2 in a proceedings complaining an encroachment by the father of the petitioner as contemplated by Section 14 (1) (j-3) of the Maharashtra Village Panchayat Act, have been permitted to be placed on record by rejecting the application.

3] Mr.Jaiswal, learned counsel for the petitioner submits that the affidavits are of third party, no permission is required to be granted. In view of what has been held in **Rahul Raju Kulsange vrs Additional Collector, 2022 (4) All MR 528**, the proceedings before

the Collector cannot be converted into adversarial proceedings and therefore there is no question of cross examination. He then submits that the affidavits filed by third party be discarded. The impugned order indicates that the affidavits have merely been taken on record and petitioner is not prevented from filing the counter affidavit. In view of that, I do not see any reason to interfere in the impugned order.

4] The petition is dismissed. No costs.

JUDGE

Rvjalit