



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

WRIT PETITION NO. 2444 OF 2024

Rohidas s/o. Laxman Pawar
Age 54 years, Occu. Agri. & Sarpanch,
R/o. Bramhagaon, Tq. Ashti, District Beed .. Petitioner

Versus

1. Sonaji Asaru Ajabe,
Age 45 years, Occu. Agri.,
2. Vijay Maruti Haral,
Age 48 years, Occu. Agri.,
Both R/o. Bramhagaon, Tq. Ashti,
District Beed
3. The District Collector, Beed,
District Beed .. Respondents

Mr. Vilas P. Savant, Advocate for the Petitioner;
Mr. A. S. Shinde, A.G.P. for Respondent No.3

CORAM : S. G. MEHARE, J.

DATE : 04-03-2024

PER COURT :-

1. Heard the learned counsel for the petitioner.
2. Issue notice to respondents.
3. Learned A.G.P. waives service of notice for respondent No.3.
4. Heard the learned counsel for the petitioner and the learned A.G.P. for respondent No.3.
5. This is a writ petition against the order of the Collector dated 13.02.2024, allowing the amendment application of respondents No.1 and 2. He submits that the report was called after filing the

application for removal of the petitioner as a village panchayat member on the grounds of encroachment. In the report, it was found that he did not encroach upon the Government's land. Thereafter, respondent No.1 moved an application for amendment, contending that the petitioner had encroached upon another government land besides the land mentioned in the original application.

6. After filing the reply to the said application, the petitioner was heard. The Collector passed the following order;

"Both Advocates present. Amendment is allowed."

7. Learned counsel for the petitioner submits that there is no provision for amendment under the Maharashtra Village Panchayats Act (for short, "the Act"), particularly to an application for removal of village Panchayat members for encroachment. He has argued that the impugned order is a single-line order without any reason.

8. It was a dispute under Sections 14 and 16 of the Act. The Collector has decided the questions/allegations levelled against village panchayat members. It is a sort of inquiry to be made by the Collector on the questions raised in the application. The Act is silent about the procedural law. Therefore, the procedure under the Maharashtra Land Revenue Code ("M.L.R.Code", for short) would apply.

9. Section 5 of the Civil Procedure Code, 1908 ("C.P.C." for short) applies to the revenue courts. The procedure laid down in the C.P.C. applies where the M.L.R.Code is silent about the amendment of the application. The C.P.C. provided for the amendment, which would assist the petitioner. Therefore, the petition for amendment was well-maintainable. However, every application for amendment need not be allowed. If the proposed amendment changes the entire nature of the suit, such amendment is not allowed.

10. In the case at hand, the original petition was for the removal of the petitioner for declaring him not entitled to continue as a member on the ground of encroachment on the Government land. By way of amendment, the respondent barely added some other lands the petitioner allegedly encroached upon. The subsequent fact brought to the notice of the authority does not change the nature of the original proceeding. On this count alone, the application for amendment was permissible.

11. So far as single line order is concerned, it is to be examined whether an opportunity of hearing was granted to the petitioner. The Roznama shows that the counsel representing the respondent was heard, and then the impugned order was passed. Though it is a single-line order, the right to amend the petition exists. Sufficient material is available before this Court to decide the

dispute. Therefore, in peculiar facts, it would be inappropriate to remit the matter for such a small reason, though a single-line order is impermissible in the law. Such mistakes are repeatedly committed in quasi-judicial orders. The Court felt that it is a moral responsibility of the quasi-judicial authorities to ensure that the litigants are not inconvenienced and the money of the litigants is not wasted unnecessarily by such frequent lapses.

12. For the above reasons, the writ petition stands dismissed at the admission stage.

(S. G. MEHARE)
JUDGE

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