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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 543 OF 2017
WITH
CIVIL APPLICATION NO. 1027 OF 2017
IN
SECOND APPEAL NO. 543 OF 2017**

Ramchandra Shankar More ... Appellant/Applicant

Vs.

Gram Panchayat and Other ... Respondents

Mr. Surel S. Shah a/w. Mr. Ishaan Kapse for the Appellant.

CORAM : GAURI GODSE, J.

DATE : 19th JUNE 2024

ORDER

1. This Second Appeal arises out of the concurrent Judgments and decrees dismissing the appellant's suit. The suit was filed for declaring that the Gram Panchayat's resolution permitting the change in the entries of ownership of the suit property was illegal for want of notice contemplated under Section 16A of the Maharashtra Village Panchayats Act, 1959 ("Said Act").

2. Learned counsel for the appellant submitted that in view of Section 16A of the said Act and the Rules framed under the said Act, it was obligatory on the part of the Gram Panchayat to serve

notice to the appellant before permitting change in the entries of the suit property. He therefore submitted that the appellant having right in the suit property, he was entitled to be heard before passing the impugned resolution. He therefore submitted that the Second Appeal raises a question of law with regard to non-compliance of the aforesaid provisions.

3. I have considered the submissions made by the learned counsel for the appellant. Perused the papers. The First Appellate Court has considered the requirement of compliance with the said provisions. In the impugned judgment in paragraph no. 14 the First Appellate court has recorded that admittedly the resolution was challenged by the plaintiff before the Zilla Parishad. His appeal was allowed and Gram Panchayat was directed to carry out the entries subject to the decision of the Special Civil Suit No. 337 of 2003 filed by the plaintiff. Thus in view of the pendency of the said suit, the First Appellate Court recorded that the resolution was no more in existence. Admittedly the said suit was filed by the plaintiff challenging the sale deed executed by plaintiff's brother and his wife in favour of Pradip Kakade. The impugned resolution is based on the said sale deed. Hence, the plaintiff challenged the resolution for entering name of Pradip Kakade in the assessment list. Thus, in

view of the observation, in paragraph 14 of the impugned judgment that the appellants right, if any, is protected and the same is clarified that the entries would be subject to the decision in the suit filed by the plaintiff/appellant. In view of the observations made in the impugned Judgment, the question of law raised by the appellant is not required to be considered.

4. Second Appeal does not raise any other substantial question of law. Hence, the Second Appeal is dismissed.

5. In view of the dismissal of the Second Appeal, pending Civil Application No. 1027 of 2017 is dismissed a infructuous.

[GAURI GODSE, J.]