

HARSHADA H. SAWANT  
(P.A.)

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

**CIVIL REVISION APPLICATION NO.22 OF 2024**

Jotiba Pandurang Gavade

.. Applicant

**Versus**

Gramsevak Grampanchayat

.. Respondent

**WITH**

**INTERIM APPLICATION NO.312 OF 2024**

- .....
- Ms. Shabana Sothe a/w. Ms. Rupali Sawant i./by S. P. Associates, Advocates for Applicant.
  - Mr. Anand S. Patil, Advocate for Respondent.
- .....

**CORAM : MILIND N. JADHAV, J.**

**DATE : JULY 09, 2024**

**P.C.:**

**1.** Heard Ms. Sothe, learned Advocate for Applicant and Mr. Patil, learned Advocate for Respondent.

**2.** The basic case which is before me in the present Civil Revision Application is that the Revision Applicant is occupying an area in excess of 15,000 sq.ft. out of Gram Panchayat property No.91 when according to the Gram Panchayat the Revision Applicant would be entitled to occupy an area admeasuring 390.58 sq.ft. only.

**3.** Statutory notice for removal of construction and encroachment issued by Gram Panchayat to the Applicant / Plaintiff is at Exhibit-D, page No.57 of Civil Revision Application and is challenged by the Revision Applicant in the suit proceedings.

**4.** There are twin Exhibit "5" orders, firstly order dated

26.09.2023 passed by the learned Trial Court rejecting Exhibit-5 Application which is at Exhibit-M page No.114 of the Civil Revision Application and further order dated 31.10.2023 passed by the learned Appellate Court in Miscellaneous Civil Appeal No.45 of 2023 which is at Exhibit-A, page No.23. They are concurrent orders against the Revision Applicant.

**5.** I have impressed upon Ms. Sothe that if the aforesaid orders are required to be overturned then cogent and relevant evidence in the nature of revenue record, assessment record of the entire area held by the Revision Applicant to the extent and in excess of 15,000 sq.ft. out of Gram Panchyat property No.91 corresponding to old Gram Panchayat property Nos.37/1, 44/1, 55 and 69 will have to be placed on record to justify the occupation and possession held by the Revision Applicant.

**6.** Ms. Sothe is directed to place the said record on Affidavit. It is clarified that as delineated herein the record shall be placed separately on a fresh Affidavit to be filed by the Revision Applicant. If any of the record is already replicated in the Revision Application filed before Court, the same shall be freshly annexed and also duly explained by the Revision Applicant. Revision Applicant is expected to show the area of occupation of the alleged property out of Gram Panchayat No.91 by cogent material so as to enable this Court to make a considered decision. One opportunity is required to be given to

the Revision Applicant. The Affidavit placing on record all details shall be filed within a period of two weeks from today.

**7.** Stand over to **23<sup>rd</sup> July, 2024 at 02:30 p.m.**

H. H. SAWANT

[ MILIND N. JADHAV, J. ]

HARSHADA  
HANUMANT  
SAWANT

Digitally signed  
by HARSHADA  
HANUMANT  
SAWANT  
Date: 2024.07.09  
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