



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

1021 WRIT PETITION NO. 6107 OF 2023

CHANDRAKANT MADHAVRAO BAGUL
VERSUS
ANIKET DEEPAK KOLAPKAR AND OTHERS

...
Advocate for the Petitioner : Mr. Umesh Mitkari h/f Mr. Kulkarni
Mukul S.
Advocate for Respondents Nos. 1 to 5 : Mr. Anshuman Deshmukh h/f
Mr. Deshmukh Mahesh S.

...

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 17.12.2025

PER COURT :

1. Heard the learned Counsel for the respective parties.
2. By way of present petition, the petitioner assails the order dated 02.03.2023 passed below Exhibit 73 by the Civil Judge, Junior Division, Parola, in Regular Civil Suit No. 28 of 2020, whereby, the application filed by respondent No. 3 under Order XIV Rule 2(2) of the Code of Civil Procedure for framing additional preliminary issue came to be rejected.
3. Learned Counsel for the petitioner Mr. Kulkarni, submits that the suit property comes under the jurisdiction of Grampanchyat and the Grampanchyat is the authority to take action against illegal and unauthorized construction under the Maharashtra Village Panchayats Act, 1959. He further prays that the suit is hit by the provisions of the Maharashtra Land Revenue Code, 1966 and prays for framing

preliminary issue - “*whether the suit is barred under the provisions of the Maharashtra Village Panchayats Act, 1959 and the Maharashtra Land Revenue Code 1966*”.

4. Per Contra, Mr. Deshmukh, learned Counsel for the respondents supports the order passed by learned trial Court.

5. I have gone through the order passed by the learned trial Court and the documents placed alongwith the present petition. The trial Court has framed total eight issues including issue No. 7 – “*Whether the suit is hit by provisions of the Maharashtra Village Panchayats Act, 1959 and the Maharashtra Land Revenue Code 1966*”. These issues can be dealt with by the trial Court in the trial. Therefore, there is no need to frame and decide the said issue as preliminary issue.

6. In view of the above, I do not find any reason to interfere with the order dated 02.03.2023 passed below Exhibit 73 by the Civil Judge, Junior Division, Parola, in Regular Civil Suit No. 28 of 2020 under Article 227 of the Constitution of India.

7. In view thereof, the Writ Petition is dismissed. No order as to cost.

8. As the suit is of the year 2020, the trial Court is directed to decide the same within a period of one year from today.

9. All the issues are kept open.

(SIDDHESHWAR S. THOMBRE, J.)