



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

WRIT PETITION NO. 11367 OF 2023

SUDAM SOPAN AWALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. Shrikant B. Madde, Advocate for the Petitioner
Mr. V. S. Badakh, AGP for Respondent/State
Ms. Akshara S. Madake, Advocate h/f Mr. Prakash M. Shinde,
Advocate for Respondent Nos.5 And 6
Mr. Pradeepkumar R. Tandale, Advocate for Respondent No.4

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 19th DECEMBER, 2025

PER COURT :

1. Heard learned counsel for the respective parties.
2. By this petition petitioners assail the order dated 20/07/2023, passed by learned District Judge-4, Latur in Misc. Civil Appeal No.122/2022 and the order dated 23/09/2022 passed by learned Jt. Civil Judge Senior Division, Latur below Exhibit-5 in R.C.S. No.386/2021.
3. Petitioners are the villagers who have filed the suit praying for removal of encroachment made by respondent Nos.5 and 6. They have relied upon the letter issued by the block development officer stating that there is an encroachment. In the suit specific pleadings are made by the petitioners pointing out that respondent Nos.5 and 6 are encroaching on the approach road of the petitioners to their respective houses, which was constructed by

the State Government under Rojgar Hami Yojna by spending amount of Rs.1,77,000/-.

4. The record which was placed before the Trial Court reveals that pursuant to the complaint filed by petitioners, the Block Development Officer constituted a committee comprising of three officers. The said committee visited the site and submitted a report stating that they did not notice any encroachment. The committee further stated that they are unable to decide whether the road constructed under Rojgar Hami Yojna was at the suit site or at any other place, even there is difference in the resolution dated 26/01/2016 submitted by the petitioners. In the report it was further pointed out that the houses of petitioners are not facing towards west. Even the petitioners contention about having the only road to approach their houses was found to be incorrect.

5. Therefore, considering the above, so also, the findings recorded by the Courts below against the petitioners, I am not inclined to allow the petition.

6. Writ petition is, therefore, dismissed. No order as to costs.

7. Since the suit is of the year 2021, Trial Court is directed to decide the suit within six months from today.

(SIDDHESHWAR S. THOMBRE, J.)