



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

**WRIT PETITION NO. 13576 OF 2024
WITH
CIVIL APPLICATION NO. 206 OF 2025**

Rampyari Satyanarayan Jaiswal .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Chetan T. Jadhav, Advocate for the Petitioner.
Shri S. K. Tambe, Addl.G.P. for the Respondent Nos. 1 to 3.
Shri S. V. Adwant, Advocate for the Respondent Nos. 6 and 7
through V.C.

**CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.
DATE : 09TH JANUARY, 2025.**

ORDER :

. Heard learned counsel for the petitioner. The petitioner initially had impugned show cause notice of the Collector dated 02.12.2024. It was a notice whereby parties concerned including the petitioner were called upon for hearing. However, before any orders were passed the hearing was given and the District Collector has passed the orders after considering the objections and the hearing on 01.01.2025.

2. The petitioner by way of amendment seeking to impugn the order dated 01.01.2025. The facts in the case in brief are that there was encroachment dispute. Therefore, the petitioner

approached the Civil Court. The petitioner had filed suit for removal of encroachment. The Civil Court considering the request of the petitioner appointed a court commissioner. The land was measured. However, the petitioner was not satisfied with the measurement report. Hence she had applied to the Civil Court for remeasurement. The prayer was rejected. The order was challenged before the Single Bench. The Single Bench granted liberty to the petitioner to cross examine the Court Commissioner. The suit is pending before the Civil Court. The impugned order dated 01.01.2025 reveals that identical objections have been raised before the Collector. Impugned order is a speaking order. *Prima facie*, findings have been recorded by the Collector. The Collector was satisfied that the petitioner could not establish her claim. Therefore, her prayer not to issue the no objection to run the petrol pump cannot be accepted.

3. After hearing respective counsels, we are of the opinion that core question of the encroachment of the area is seized with the Civil Court. It is a matter of disputed facts. Hence such petition cannot be entertained. For these reasons writ petition is dismissed in limine.

4. The Civil Application No. 206 of 2025 also stands disposed of.

[SHAILESH P. BRAHME J.]

[S. G. MEHARE, J.]