



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 222 of 2025

a Khatoon W/o Alamgir Khan through her Power of Attorney Waseem Khan s/o Alamgir Khan
..vs.. Nagar Panchayat Barshitakli, through its Chief Officer/Administrator, Tah. Barshitakli,
Dist. Akola]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M. I. Dhatri, Advocate for the petitioner

CORAM : ANIL L. PANSARE J.

DATED : 14-01-2025

Heard.

2. The petitioner – original plaintiff is aggrieved by order dated 10-1-2025 passed below Exhibit 13 in R.C.S. No. 8/2025 by Civil Judge Junior Division, Barshitakli.

3. The petitioner-plaintiff filed a suit for permanent injunction against the respondent (original defendant) - Nagar Parishad, Barshitakli to protect her possession. The suit plot admeasures 200 sq.ft. with a tin shed standing thereon. According to petitioner, the Chief Officer along with some other officials visited the suit property and informed the respondent that they will remove the suit tin shed within 8 to 10 days and accordingly, suit came to be filed.

4. The respondent opposed the application on the ground that State Government has granted huge budget to construct weekly market at the place where suit property is situated. According to the respondent, the suit property was allotted to nephew of one Imran Khan whereas the

petitioner has purchased the same from Imran Khan, who is not even the allottee of suit plot. According to respondent, the allotment was made on the basis of agreement which provides for removal of structure as and when required by the respondent.

5. The trial Court found from the certificate of Officer of Land Record attached to the sale deed, which itself discloses that Imran Khan was not the owner of the property.

6. The counsel for petitioner has not placed on record the allotment letter. He however, has invited my attention to the assessment record to show that name of Imran Khan is mentioned against the property mentioned therein as owner thereof. This entry, however, cannot be said to a document of title. It only shows that Imran Khan had paid certain taxes for occupying the plot mentioned in the document. The petitioner ought to have produced the allotment letter in favour of Imran Khan. Having not done so, it is difficult to hold that Imran Khan was the allottee of the suit property. Consequently, the sale deed executed by him in favour of the petitioner cannot be said to be a valid document to seek relief, as put forth by the petitioner. The trial Court held that the material placed on record is not sufficient to accept contention of the plaintiff that she is owner of the suit property, which finding appears to be in tune with the documents placed on record.

7. The trial Court has further observed that the respondent has issued notice to the nephew of Imran Khan

to whom the suit property has been allotted and given sufficient time to vacate the same. The Court then observed that the suit property is required for a development work of a weekly market, which naturally will be in the interest of public at large. In view thereof the trial Court refused to extend ad-interim ex-parte injunction granted in favour of the petitioner.

8. Thus, what transpires is that the property under question is required for development work. The original allottee is not responding to the notice issued by the respondent. The petitioner has acquired the property under sale deed from a stranger. Even otherwise, the allotment was made under agreement which provides for removal of structure as and when required by the respondent.

9. The aforesaid facts indicate that the suit property had transferred hands from the original allottee, to somehow protract the development work. In the circumstances and the petitioner having failed to show that she has acquired rights through a legitimate owner, I do not find any reason to interfere with the impugned order in exercise of supervisory jurisdiction under Article 227 of the Constitution. The petition is dismissed with no order as to costs.

(Anil L. Pansare, J.)