



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR

**CIVIL REVISION APPLICATION (CRA) NO. 14 OF 2025**

Gram Panchayat, Kelwad and anr. Vs. Sunil Chaitram Kamdi and anr.

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders.

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Mr. Aniket Waghdhare, Advocate for applicants.  
Mr. N.L. Jaiswal, Advocate for non-applicants.

**CORAM : MRS. VRUSHALI V. JOSHI, J.**

**DATE : 08.07.2025.**

The learned counsel appearing for the applicant has challenged the order passed by Civil Judge Senior Division, Saoner, rejecting the application filed by the applicants, who are the original defendants in R.C.S. No. 101/2024.

2. The application is filed under Order VII, Rule 11 of Code of Civil Procedure for rejecting the claim. The learned counsel for the applicant has stated that he has filed the application under Order VII, Rule 11 of the Code of Civil Procedure, as Section 59 of the Maharashtra Village Panchayats Act, is not permitted to challenge the dispute before the Civil Court. The Collector has jurisdiction to decide any property or any right in or any property is claimed by or on behalf of the Panchayat, or by any

person against the Panchayat. The Collector has jurisdiction to decide the same right.

3. It is argued by the learned counsel for the applicant that the suit is filed for declaration and perpetual injunction. He has claimed that he is a tenant in the property, which is owned by respondent No.1, who is the Gram Panchayat. As per Section 59 of the Maharashtra Village Panchayats Act, though he has not claimed any ownership. He has stated that he is still occupant of the said property and as per Section 59 of the Maharashtra Village Panchayats Act, to any right of the property by any person against the Panchayat, it shall be lawful for the Collector, after formal enquiry, of which due notice has been given, to pass an order against deciding the claim. The Civil Court has no jurisdiction to decide the application. The learned Civil Judge Senior Division has rejected the application stating that the plaintiff has not claimed any right over the property. The order passed by the Civil Judge Senior Division, Saoner, has no merits. Hence, filed this revision application.

4. The learned counsel for the respondent has stated that as per Section 9 of Code of Civil Procedure, there should be specific bar in the

provisions, which is not there under Section 59 of Maharashtra Village Panchayats Act. The plaintiff is not claiming any right over the property, he has challenged the notice issued by the Collector evicting the plaintiff. The order passed by the learned Trial Court is correct and hence prayed to reject the application.

5. Heard both the learned counsel for the respective parties.

6. Order VII, Rule 11(b) of the Code of Civil Procedure, reads as under:-

*“11. The plaint shall be rejected in the following cases-*

*(a) ....*

*(b) .....*

*(c) .....*

*(d) where the suit appears from the statement in the plaint to be barred by any law:*

*Provided that the time fixed by the Court for the correction of the valuation or supplying of the requisite stamp-paper shall not be extended unless the Court, for reasons to be recorded, is satisfied that the plaintiff was prevented by any cause of an exceptional nature from correcting the valuation or supplying the requisite stamp-paper, as the case may be, within the time fixed by the Court and that refusal*

*to extend such time would cause grave injustice to the plaintiff.”*

7. According to the applicant, as per Section 59 of Maharashtra Village Panchayats Act, the Civil Court has no jurisdiction and the Collector has to decide the dispute about the property which is owned by the Gram Panchayat. Here the plaintiff is the tenant of the property, which is owned by the Gram Panchayat and there is dispute over the property and the notice was issued by the Collector. Then, it is the Collector, who has to decide the dispute. The plaintiff has challenged the notice issued by the Sarpanch and he has no authority to issue said notice.

8. Considering the dispute about the tenancy right, as there is no bar in Section 59 of Maharashtra Village Panchayats Act, as per Section 9 of the Code of Civil Procedure, there is no title dispute, the specific bar is not there. The learned counsel for applicant has emphasized that of any right, which is mentioned in Section 59 of Maharashtra Village Panchayat Act and according to him, there is implied bar as the Collector have only right to decide the property dispute. Though, it is stated by the applicant, there is implied bar, the

notice is challenged by the applicant. The notice is issued by the Sarpanch and there is no dispute about the title of the property. He is not denying the Gram Panchayat is having title over the property. He is challenging the notice of eviction. Considering nature of the prayer and nature of the suit, the Trial Court has rightly rejected the application.

9. Hence, revision application stands dismissed.

(Mrs. Vrushali V. Joshi, J.)