



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

WRIT PETITION NO. 2178 OF 2025

(Shriram s/o Rangrao Dhote Vs. The Commissioner, Nagpur Division, Nagpur & Ors.)

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

Court's or Judge's orders.

Mr. Abdul Subhan, Counsel for the petitioner.
Ms M.S. Naik, A.G.P for respondent nos. 1 to 3 and 6/State.
Mr. Pritesh Atkar, Counsel for respondent no.4.
Mr. S. Majid, Counsel for respondent no.5.
Mr. A.R. Tekade, Counsel for respondent no.7.

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CORAM : ANIL L. PANSARE, J.
MAY 9, 2025

In paragraph 6 of order dated 6/5/2025, the words “respondent Nos. 1 and 4” be replaced by “respondent Nos. 1 and 2”. Corrections be carried out and corrected copy be uploaded accordingly.

2] In response to order dated 6/5/2025, the learned A.G.P, on instructions, submits that report of inspection carried out on 11/4/2023 was placed on record in the proceedings filed before respondent no.2.

3] The report was so called because the petitioner and respondent no.7 made contradictory statements as regards submission of spot inspection report on record. The petitioner averred, nay, is his case that the report, though filed, has been not given weightage to by respondent nos. 1 and 2. As against, respondent no.7 took a plea that this report was never placed on record.

4] In context with above, both parties were directed to deposit Rs.50,000/- each for one out of two made incorrect statements and today's development

indicates that it is respondent no.7, who made an attempt to mislead the Court.

5] So far as merits are concerned, orders dated 22/4/2025 and 6/5/2025 passed by this Court are self-speaking, at least, to the extent of the categorical case put forth by the petitioner. The case is that despite availability of, as many as five reports favouring the petitioner, none of them were given weightage to by the respondents. One of the reports is dated 11/4/2023, which was prepared by respondent no.4 – Secretary, Gram Panchayat, expressing *prima facie* view that the petitioner has not made encroachment on the Government land. Similar are the findings by other authorities, namely, Deputy Superintendent of Land Records and Naib Tahsildar.

6] Both respondent nos. 1 and 2, though considered the report, have not rendered a finding as to how the report could be ignored and why should benefit of report be not extended to the petitioner.

7] That being so, the matter will have to be remanded back to the first authority to consider the enquiry afresh.

8] Accordingly, the petition is partly allowed. Order dated 15/4/2025 passed by respondent no.1 – Commissioner, in Case No. VPA. Appeal No.16(2)/106/2024-25, and order dated 3/3/2025 passed by respondent no.2 – Collector, in Case No. 46/M.V.P. 14(1)(J-3)/2022-2023, are quashed and set aside. The enquiry being Case No. 46/M.V.P. 14(1)(J-3)/2022-2023 is remanded back to respondent no.2 – Collector for consideration afresh in accordance with law and what has

been noted in the body of the order. The parties shall appear before respondent no.2 on 30/5/2025 and thereafter as and when called.

9] The learned Counsel for respondent no.7 tenders unconditional apology. He submits that, as such, respondent no.7 has not given such instructions to him, rather he failed to note that the report was placed on record. He further submits that he focused on the documents submitted before respondent no.1. He further submits that he ought to have gone through the documents placed on record before respondent no.2.

10] Thus, it appears that the Counsel's negligence led to making an incorrect statement for which respondent no.7 need not be punished. The learned Counsel, however, should be cautious before making such statement across the bar. The Counsels should understand they owe duty to the Court, in addition to their duty to represent their clients. They should be further aware that the statements of the Counsel, made across the bar, has its own importance and are accepted without seeking proof for the same.

11] With the above observations, the petitioner and respondent no.7 are permitted to withdraw the amount, so deposited, with the Registry.

12] The petition is disposed of in aforesaid terms. No costs.

(ANIL L. PANSARE, J.)

Sumit