



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

WRIT PETITION NO.2831 OF 2025

ZANAKLAL S/O SURAJLAL LILHARE

VERSUS

STATE OF MAHARASHTRA, THR. SUB DIVISIONAL OFFICER, GONDIA
AND OTHERS

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. V.U. Waghmare, Advocate for Petitioner.
Ms. D.V. Sapkal, AGP for Respondent Nos.1 to 3-State.
Mr. A.N. Vastani, Advocate for Respondent No.5.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 05th DECEMBER 2025

PER COURT :-

1. Heard learned Advocate for the petitioner.
2. The petitioner's challenge is to the order dated 26.11.2024, passed by respondent No.1 Sub Divisional Officer, Gondia, in R.A.C. No. 05/RTS-64/2024-2025, to the extent of continuing the appeal.
3. Learned Advocate for the petitioner submits that, by order dated 26.11.2024, respondent No.1 has observed that the appellant therein was not a party before the lower authorities and hence, the appeal cannot be continued, and despite this, an enquiry is directed.

4. A perusal of the impugned order shows that respondent No.1 has directed an enquiry to be conducted in the affairs with respect to the order dated 27.09.2024, passed by respondent No.2, which was under challenge in the appeal.

5. Learned AGP as well as learned Advocate for respondent No.5 invited attention of this Court to various orders in regular civil suit, regular civil appeal and second appeal, which are decided by this Court, refusing any kind of interim relief in favour of the petitioner in respect of his possession. Attention is also invited to the order dated 18.03.2020, passed by the Division Bench of this Court in Writ Petition No.1530 of 2020, by which it is categorically held that the petitioner was a rank encroacher and not worthy of any consideration for regularization of the encroachment by the collector. Attention is also invited to the *panchnama* dated 19.03.2020, conducted by the Tahsildar, stating that the possession of the petitioner was lawfully removed.

6. In view of all these aspects, it is clear that there is no perversity in the direction to conduct enquiry as ordered by respondent No.1 Sub Divisional Officer.

7. As far as the petitioner's grievance against the continuation of appeal, the petitioner is entitled to raise his grievance before the concerned authority about the continuation of appeal. No perversity is seen in the impugned order. Therefore, the writ petition deserves to be dismissed.

8. In view of the above, the Writ Petition is disposed of with direction to respondent No.1 Sub Divisional Officer to decide the appeal expeditiously.

(PRAFULLA S. KHUBALKAR, J.)

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