



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

**941 WRIT PETITION NO. 12469 OF 2024**

**VIKRAM RAMRAO WAGH AND ANOTHER**  
**VERSUS**

**GRAMPANCHAYAT OFFICE MAHERBHAYGAON THROUGH RAUT SAHEB**  
**AND ANOTHER**

...

Mr. Vaibhav B. Kulkarni, Advocate for the Petitioners

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**CORAM : AJIT B. KADETHANKAR, J.**

**DATE : 12.03.2026**

**PER COURT :-**

. The petitioners were served with a notice by the Gram Panchayat alleging that they had encroached upon the property belonging to the Village Panchayat. A panchanama was also conducted by the Circle Officer/Mandal Adhikari and a report was prepared. The said report and panchanama indicate that the petitioners had encroached upon the subject property.

2. Apprehending that the construction raised by the petitioners would be demolished by the Village Panchayat, the petitioners filed Regular Civil Suit No. 82 of 2022 before the Court of the learned Joint Civil Judge, Junior Division, Ambad. Along with the suit, the petitioners also filed an application for temporary injunction under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure.

3. The said application was contested by the respondents. The learned Trial Court considered the documents placed on record. Upon perusal of the material, and particularly placing reliance upon the report and

panchanama carried out by the Mandal Adhikari, the learned Trial Court recorded a finding that the petitioners were, at least *prima facie*, encroachers on the suit property. The petitioners failed to produce any document demonstrating that they were the lawful owners or possessors of the suit property.

4. No doubt that the petitioners relied upon certain mutation entries, however, the same by itself does not establish ownership or lawful possession. There was nothing on record to *prima facie* show that the petitioners were the owners or lawful possessors of the subject property. Consequently, the application for temporary injunction came to be rejected.

5. Being aggrieved thereby, the petitioners preferred Miscellaneous Civil Appeal No.22 of 2023 before the learned District Judge-1, Ambad. The learned District Judge, upon consideration of the record, dismissed the said appeal by order dated 05.09.2024, confirming the findings recorded by the Trial Court.

6. Aggrieved by the aforesaid orders, the petitioners have approached this Court by way of the present writ petition.

7. With the able assistance of the learned counsel for the petitioners, I have gone through the orders passed by the learned Trial Court as well as the learned District Judge. The concurrent findings recorded by both the Courts below indicate that the petitioners have failed to *prima facie* establish that they are the lawful owners or possessors of the suit property. On the contrary, the documents produced on record by the Village Panchayat authorities, including the report and panchanama prepared by the Mandal Adhikari, *prima facie* demonstrate that the petitioners have encroached upon the suit

property.

8. I do not find any infirmity, illegality, or perversity in the findings recorded by the learned Trial Court as well as the learned District Judge.

9. In view of the above, I do not find any merit in the present writ petition.

10. The writ petition stands dismissed.

[AJIT B. KADETHANKAR, J.]

PRW