

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11931 OF 2024

Bhanudas S/O Mahadu Chordhe And Anr ...Petitioners

Versus

The State Of Maharashtra Through Its Secretary, ...Respondents
Rural Development Dept. And Ors

Ms. Padmavati Vaisnya, a/w Ranjit Gangadhar Jadhav (through VC), for the Petitioners.

Mr. Tushar Khairnar (through VC) for Respondent Nos.6 to 10.

Mr. Hamid Mulla, for Respondent-State.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : March 23, 2026

ORDER :

1. Having heard Learned Advocates for the parties, it is apparent that seriously disputed questions of fact are involved about the alleged encroachment of public land by the Petitioner, with mutation entry to land recording the Petitioner's name as the owner. These questions of fact already form subject matter of Regular Civil Suit No.835 of 2023 before the Civil Judge Junior Division Malegaon.

2. On February 3, 2026, it had been indicated that in the said Suit, the judgement in favour of the Petitioner had already been passed.

Therefore, the Petitioners were granted liberty to bring on record such judgement to demonstrate how adjudication of the said Suit would support the case made out in the Petition.

3. Today when the matter is called out, Learned Advocate for the Petitioners submits that the judgement in RCS No.835 for 2023 is yet to be passed and judgement has been reserved for a long time. He would, however, point to the record to indicate that the *panchanama* would point to the land in question not being encroached by the Petitioners.

4. A perusal of the Impugned Order would indicate that the *panchanama* has been discounted with reasons, since the names of the Petitioners are actually found in the mutation entry pertaining to the said land. It is a case of the Petitioner that he has been framed by his name being entered in the mutation entry and he would be able to demonstrate that there is no encroachment at all on the ground. These are questions of fact which will need to be tried and are already forming subject matter of RCS No.835 of 2023.

5. With such disputed questions of fact being involved, it would not be appropriate for a Writ Court to wade into questions of fact that have already been presented to the Civil Court.

6. In these circumstances, without any comment on the merits of the matter, the Petition is disposed of without any intervention into the Impugned Order. Needless to say, should the Civil Court seized of the issue arrive at specific findings of fact, the Petitioners shall have liberty to take out appropriate proceedings in relation to his disqualification. In any case, it is submitted by the Learned AGP that the term of the *Sarpanch* has come to an end while the Petitioners enjoyed an ad-interim stay in the matter from this Court. Be that as it may, the Learned Civil Judge is requested to deal with the proceedings at the earliest, and return findings of fact so that the Petitioners know precisely where they stand.

7. The Petition is ***finally disposed of*** in the aforesaid terms.

8. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]