



ORDER BELOW Exh.19
(Dated 12/03/2026)

By filing present application, plaintiff has prayed for grant of status-quo till the decision on Exh.05. It is submitted by Ld. counsel for plaintiff that the defendant No.3 and 4 have not conducted spot inquiry regarding illegal construction and the construction on behalf of the defendant No. 1 and 2 is being conducted without leaving marginal space. If the construction is permitted that application of temporary injunction may get frustrated. Hence, prayed for allowing the application.

2] The Ld. counsel for defendant No.1 and 2 have opposed the application on the ground that the construction of defendants under the Gharkul Scheme which is being raised after spot inspection and after leaving necessary marginal space. It is also submitted that the Gram Panchayat has passed necessary resolution to that effect. Hence, prayed for rejection the application.

3] Heard counsel for all the parties and with their assistance perused the record.

4] At the outset, it is imperative to appreciate that as per resolution No.6/3 the Gram Panchayat has permitted the continuance of construction of the defendant No.1 and 2. It is true that no copy of spot inspection conducted by competent



authority is produced on record. However, that by itself does not negate the fact that permission for continuing construction is accorded by way of resolution. There can be no quarrel with the proposition that property No.144 and 145 are adjacent to each other. The photograph filed on record as document No.18 does not indicate clear demarcation and separation by way of boundary wall between both the adjacent lands. The other photographs filed on record do not depict clear picture regarding failure to leave marginal space, identification of lands of both the parties, boundaries of house property between the rival parties. On the contrary, document No.18 indicates existence of open space on the left side. Therefore, in view of resolution of Gram Panchayat, the question of failure to leave marginal space cannot at this juncture be decided particularly when the matter is at nascent stage and the defendants are yet to file their response. In view of above referred resolution, no interference of this Court in preventing further construction by way of status quo, at this juncture, is warranted especially when reply is yet to be filed. Needless to state, whatever construction is being made shall be at the own risk and costs of the defendant No.1 and 2. If subsequently, it is found that construction of defendant No.1 and 2 is illegal, without permission and without complying the building by laws, then the plaintiff would have the remedy to apply for mandatory injunction to seek demolition the alleged illegal construction for which no equity could be claimed by the



defendants in view of their candid opposition in the present application.

5] Hence, the plaintiff has no prima-facie case. Hence, the application cannot be treated favourably. For the aforesaid reasons, the application is bereft of merit and is rejected. It is hereby clarified that all the observations made herein are prima-facie in nature and shall be confined for the disposal of present application alone and all the rival contentions are open for adjudication at the time of trial. Both parties to take note of the order.

Place:-Saoli
Date : 12/03/2026

(Anupam S. Sharma)
Jt. Civil Judge Junior Division,
Saoli.