



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

113 WRIT PETITION NO. 12668 OF 2025

TULSHIRAM DHANRAJ KOLI

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

...

Advocate for the Petitioner : Mr. Yawalkar Siddhartha B.

AGP for Respondent/State: Mr. K. B. Jadhavar

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 13.10.2025

PER COURT:

1. Heard.

2. The learned counsel for the petitioner submits that he is the member of the village panchayat Chahardi Grampanchayat and elected as a member of the Grampanchayat in 2020. Thereafter as Up-sarpanch of the village panchayat. A Complaint is filed against the petitioner with the allegation that he has encroached upon a government land and constructed the property thereon. It is stated that he owns the property no.361 and has encroached upon the adjacent government property no.362 and that the property no.362 is a government land. The learned counsel submits that the notice of complaint was given to him on 10.03.2025 and the hearing was held on 21.03.2025 and an application was filed by the petitioner that the copy of complaint and the documents be provided to him so as to enable him to defend himself. It is also submitted that the report dated 19.03.2025 of the Block Development Officer is not supplied and he submits that while measurement was carried out the petitioner was not present, although, his statement was recorded by the Block Development

Officer at prior point of time. He submits that the petitioner was handicapped in raising his defence before the Collector.

3. The learned counsel has also taken me through page no.30 and 35 of the petition. He points out that the property no.362 is the government property and the petitioner's property is 361. In the map at page 30, it is stated that, "this is not a present status of the land". At page 35, he points out the report wherein the sketch map shown there is alleged encroachment is on the east and west side and there is no encroachment on the northern side. The government land in gut no.362 is on the northern side of gut no.361.

4. Considering the above, prima facie, this court is of the view that the encroachment on government land has clearly not been established. Apart from this, the petitioner was handicapped from defending his case before the Collector as the relevant documents were not supplied to him.

5. The learned AGP points out page 29 and submits that the applicant was present however has not given the response to the complaint before the Block Development Officer on the ground that he was not supplied with the copy of the complaint and was not aware of the complaint. He also points out page 38 i.e. Gao Namuna No.8 that the property no, 361 the name of the owners is shown as Sarkar. In response thereto, the learned counsel for the petitioner submits that the case against the complainant is that he has encroached upon the property no.362 and not 361. He submits that the the document is also produced by the State which shows property no.361 is owned by the petitioner.

6. Considering the same, that there is no prima facie material that the petitioner has encroached upon the government land, so also, the petitioner, prima facie, was handicapped in submitting his reply before the Collector, issue notice to the respondents, returnable on 02.12.2025.

Notice to indicate that if time permits, the matter may be disposed of at admission stage after service of notice on the respondents.

7. Till the next date, there shall be ad-interim relief in terms of prayer clause "C".

8. Stand over to 02.12.2025.

[ARUN R. PEDNEKER, J.]

marathe