

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.9272 OF 2015

Pandurang Nivrutti Kawade

Petitioner

Versus

The State of Maharashtra & others

Respondents

WITH
WRIT PETITION NO.9310 OF 2015

Amol s/o Shrimant Kele & another

Petitioners

Versus

The State of Maharashtra & others

Respondents

Mr.Vikram S. Undre, advocate for the petitioner
Mr.S.G.Karlekar, A.G.P. for Respondents No.1 to 6.
Mr.S.B.Ghule, advocate for Respondent No.7.
Mr.S.T.Shelke, advocate for Respondent No.8.

**CORAM : R.M.BORDE &
P.R.BORA, JJ.**

DATE : 13th October, 2015

PER COURT:

1 Petitioners are objecting to the Notification dated 10.07.2015, issued by the State Government, directing transition of urban area from rural area for constituting Washi Nagar Panchayat consisting of villages Vashi, Kelewadi and Kawadewadi; and the order in respect of alteration of geographical area of the village.

2 The State Government issued a notification on 01.03.2014 inviting objections for proposed alteration of

geographical area and constitution of smaller urban area consisting of aforesaid three villages. In view of the intervening elections, earlier proclamation was not proceeded with and second proclamation was issued on 31.05.2014 calling objections. The date for receipt of objections was prescribed as 30.06.2014. Petitioners and other villagers tendered objections to the Collector and the Collector recommended the State Government for alteration of geographical area of the two villages, namely Kelewadi and Kawadewadi and constitution of an urban area for Nagar Panchayat Washi.

3 The Gram Sabhas of the aforesaid three villages were also consulted and those local bodies expressed their willingness in favour of alteration of geographical area of three villages and constitution of small urban area i.e. Washi Nagar Panchayat. The Gram Sabha of village Washi has passed a Resolution on 17.05.2014, for inclusion of Kawadewadi and Kelewadi in the proposed urban area, namely Nagar Panchayat Washi. Whereas, Group Village Panchayat Washi, which is inclusive of villages Kelewadi and Kawadewadi, has adopted a Resolution on 30.06.2014, unanimously resolving to alter geographical area and formation of a smaller urban area. The Standing Committee of the Zilla Parishad, in its meeting held on 10.07.2014, passed a Resolution approving the proposal for formation of Washi Nagar Panchayat.

4 It does appear that mandate of Section 3(4) of Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, has been observed strictly. Petitioners and

other villagers were extended an opportunity to tender their objections and they did tender their objections. The observance of principles of natural justice requires calling for the objections and consideration thereof. Personal hearing to each of the villager is not contemplated. The contention of the petitioner that principles of natural justice were not strictly observed, is not acceptable. Petitioners place reliance on the judgment in the matter of **Village Grampanchayt & others Vs. State of Maharashtra & others**, reported in 2008(1) Bom.C.R. 542; as well as judgment in the matter of **Gramsudhar Samiti, Mahadulla Vs. Grampanchayat Mahadulla & others**, reported in 2004 (6) Bom. C.R. 739. Both the judgments cited supra do not provide any aid to the petitioner and even otherwise, we are of the opinion that the State Government has fulfilled requirement of observance of Section 4(2) of the Bombay Village Panchayats Act and there is observance of principles of natural justice.

5 Both the writ petitions are devoid of substance. Hence stands dismissed.

P.R.BORA
JUDGE

adb/wp927215

R.M.BORDE
JUDGE