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

WRIT PETITION NO. 9228 OF 2014

The Grampanchayat, Khatwani
through its Sarpanch,
Shri mahesh Shankar Tadvi
age 35 years, occ. Sarpanch
r/o Village Khatwani,
Tq. Akkalkuwa, Dist. Nandurbar. **.. PETITIONER**

VERSUS

1. The State of Maharashtra
Through its Secretary
Rural Development and Water Conservation
Department, Mantralaya,
Mumbai 32.

2. The Collector, Nandurbar
Tq. & Dist. Nandurbar.

3. The Tahsildar, Akkalkuwa,
Tq. Akkalkuwa, Dist. Nandurbar.

4. The Zilla Parishad, Nandurbar
Tq. & Dist. Nandurbar
Through its Chief Executive Officer.

5. The Grampanchayat, Gavhali
Tq. Akkalkuwa, Dist. Nandurbar
Through its Administrator. .. **RESPONDENTS**

Mr. P. R. Katneshwarkar, advocate holding for Mr. A.G. Magare, advocate for petitioner.
Mrs. A. V. Gondhalekar, AGP for the State.
Mr. P. S. Patil, advocate for respondent no. 4.

WITH
WRIT PETITION NO. 9229 OF 2014

The Gram Panchayat, Mogra,
Through its Sarpanch,
Smt. Shantibai Magan Vasave
age 32 years, occ. Sarpanch
r/o Village Mogra
Tq. Akkalkuwa, Dist. Nandurbar **.. PETITIONER**

VERSUS

1. The State of Maharashtra
Through its Secretary
Rural Development and Water Conservation
Department, Mantralaya,
Mumbai 32.

2. The Collector, Nandurbar
Tq. & Dist. Nandurbar.

3. The Tahsildar, Akkalkuwa,
Tq. Akkalkuwa, Dist. Nandurbar.

4. The Zilla Parishad, Nandurbar
Tq. & Dist. Nandurbar
Through its Chief Executive Officer.

5. The Grampanchayat, Gavhali
Tq. Akkalkuwa, Dist. Nandurbar
Through its Administrator. .. **RESPONDENTS**

Mr. P. R. Katneshwarkar, advocate holding for Mr. A.G. Magare, advocate for petitioner.
Mrs. A. V. Gondhalekar, AGP for the State.
Mr. P. S. Patil, advocate for respondent no. 4.

WITH
WRIT PETITION NO. 9235 OF 2014

The Grampanchayat, Gavhali
Through its Sarpanch,
Shri Jagan Barkya Valvi
age 48 years, occ. Sarpanch
r/o Village Gavhali
Tq. Akkalkuwa, Dist. Nandurbar **.. PETITIONER**

VERSUS

1. The State of Maharashtra
Through its Secretary
Rural Development and Water Conservation
Department, Mantralaya,
Mumbai 32.

2. The Collector, Nandurbar
Tq. & Dist. Nandurbar.

3. The Tahsildar, Akkalkuwa,
Tq. Akkalkuwa, Dist. Nandurbar.

4. The Zilla Parishad, Nandurbar
Tq. & Dist. Nandurbar
Through its Chief Executive Officer.

5. The Grampanchayat, Gavhali
Tq. Akkalkuwa, Dist. Nandurbar
Through its Administrator. .. **RESPONDENTS**

Mr. P. R. Katneshwarkar, advocate holding for Mr. A.G. Magare, advocate for petitioner.
Mrs. A. V. Gondhalekar, AGP for the State.
Mr. P. S. Patil, advocate for respondent no. 4.

WITH
WRIT PETITION NO. 7786 OF 2014

1. Gomta s/o Tukya Pawra
age 27 years, occ. Agriculturist and advocate
r/o V Bhujgaon, Tq. Dhadgaon (Akrani)
Dist. Nandurbar.

2. Jelsing s/o Supa Pawara
age 45 years, occ. Agriculturist
r/o Bhujgaon, Tq. dhadgaon(Akrani)
Dist. Nandurbar.

3. Mundri d/o Jamba Padvi
age 23 years, occ. Education
r/o Surwani, Tq. Dhadgaon(Akrani)
Dist. Nandurbar. **.. PETITIONERS**

VERSUS

1. The State of Maharashtra
Through Principal Secretary,
Rural Development & Water
Conservation Department,
Mantralaya, Mumbai 32.

2. The Divisional Commissioner,
Nashik Division, Nashik

3. The Collector, Nandurbar
Dist. Nandurbar.

4. The Tahsildar, Bhadgaon

Tq. Dhadgaon, Dist. Nandurbar

5. The Chief Executive Officer
Zilla Parishad, Nandurbar
Dist. Nandurbar.

6. The Block Development Officer,
Panchayat Sanmiti, Dhadgaon
dist. Nandurbar.

7 Group Gram Panchayat, Surwani
Through its Sarpanch / Gram Sevak
Surwani, Tq. Dhadgaon(Akrani)
Dist. Nandurbar. .. **RESPONDENTS**

Mr. P. R. Patil, advocate for petitioners.
Mrs. A. V. Gondhalekar, AGP for the State.
Mr. P. S. Patil, advocate for respondent no. 5.

WITH
WRIT PETITION NO. 9230 OF 2014

The Grampanchayat, Thanavihir
Through its Sarpanch,
Shri mansingh Urshya Valvi
age 42 years, occ. Sarpanch
r/o Village Thanavihir
Tq. Akkalkuwa, Dist. Nandurbar **.. PETITIONER**

VERSUS

1. The State of Maharashtra
Through its Secretary
Rural Development and Water Conservation
Department, Mantralaya,
Mumbai 32.

2. The Collector, Nandurbar
Tq. & Dist. Nandurbar.

3. The Tahsildar, Akkalkuwa,
Tq. Akkalkuwa, Dist. Nandurbar.

4. The Zilla Parishad, Nandurbar
Tq. & Dist. Nandurbar
Through its Chief Executive Officer.

5. The Grampanchayat, Gavhali
Tq. Akkalkuwa, Dist. Nandurbar
Through its Administrator. .. **RESPONDENTS**

Mr. P. R. Katneshwarkar, advocate holding for Mr. A.G. Magare, advocate for petitioner.
Mrs. A. V. Gondhalekar, AGP for the State.
Mr. P. S. Patil, advocate for respondent no. 4.

WITH
WRIT PETITION NO. 9231 OF 2014

The Grampanchayat, Raisingpur
Through its Sarpanch
Shri Rajendra Sardarsingh Padvi
age 37 years, occ. Sarpanch
r/o Village Raisingpur,
Tq. Akkalkuwa, Dist. Nandurbar. **.. PETITIONER**

VERSUS

1. The State of Maharashtra
Through its Secretary
Rural Development and Water Conservation
Department, Mantralaya,
Mumbai 32.

2. The Collector, Nandurbar
Tq. & Dist. Nandurbar.

3. The Tahsildar, Akkalkuwa,
Tq. Akkalkuwa, Dist. Nandurbar.

4. The Zilla Parishad, Nandurbar
Tq. & Dist. Nandurbar
Through its Chief Executive Officer.

5. The Grampanchayat, Gavhali
Tq. Akkalkuwa, Dist. Nandurbar
Through its Administrator. .. **RESPONDENTS**

Mr. P. R. Katneshwarkar, advocate holding for Mr. A.G. Magare, advocate for petitioner.
Mrs. A. V. Gondhalekar, AGP for the State.
Mr. P. S. Patil, advocate for respondent no. 4.

WITH
WRIT PETITION NO. 9232 OF 2014

The Grampanchayat, Gangapur
Through its Sarpanch
Smt. Vasubai Bhamsingh Padvi
age 36 years, occ. Sarpanch
r/o Village Gangapur
Tq. Akkalkuwa, Dist. Nandurbar .. **PETITIONER**

VERSUS

1. The State of Maharashtra
Through its Secretary
Rural Development and Water Conservation
Department, Mantralaya,
Mumbai 32.

2. The Collector, Nandurbar
Tq. & Dist. Nandurbar.

3. The Tahsildar, Akkalkuwa,
Tq. Akkalkuwa, Dist. Nandurbar.

4. The Zilla Parishad, Nandurbar
Tq. & Dist. Nandurbar
Through its Chief Executive Officer.

5. The Grampanchayat, Gavhali
Tq. Akkalkuwa, Dist. Nandurbar
Through its Administrator. .. **RESPONDENTS**

Mr. P. R. Katneshwarkar, advocate holding for Mr. A.G. Magare, advocate for petitioner.
Mrs. A. V. Gondhalekar, AGP for the State.
Mr. P. S. Patil, advocate for respondent no. 4.

WITH
WRIT PETITION NO. 9233 OF 2014

The Grampanchayat, Udepur
Through its Sarpanch
Shri Nansingh Shivaji Valvi
age 48 years, occ. Sarpanch
r/o Village Udepur,
Tq. Akkalkuwa, Dist. Nandurbar .. **PETITIONER**

VERSUS

1. The State of Maharashtra
Through its Secretary
Rural Development and Water Conservation
Department, Mantralaya,
Mumbai 32.

2. The Collector, Nandurbar
Tq. & Dist. Nandurbar.

3. The Tahsildar, Akkalkuwa,
Tq. Akkalkuwa, Dist. Nandurbar.

4. The Zilla Parishad, Nandurbar
Tq. & Dist. Nandurbar
Through its Chief Executive Officer.

5. The Grampanchayat, Gavhali
Tq. Akkalkuwa, Dist. Nandurbar
Through its Administrator. .. **RESPONDENTS**

Mr. P. R. Katneshwarkar, advocate holding for Mr. A.G. Magare, advocate for petitioner.
Mrs. A. V. Gondhalekar, AGP for the State.
Mr. P. S. Patil, advocate for respondent no. 4.

WITH
WRIT PETITION NO. 9234 OF 2014

Sau. Monikabai w/o Vasudeo Valvi
age 44 years, occ. Sarpanch of Group
Grampanchayat, Amalpada
r/o Village Amalpada
Tq. Taloda, Dist. Nandurbar **.. PETITIONER**

VERSUS

1. The State of Maharashtra
Through its Secretary
Rural Development and Water Conservation
Department, Mantralaya,
Mumbai 32.

2. The Collector, Nandurbar
Tq. & Dist. Nandurbar.

3. The Tahsildar, Taloda,
Tq. Taloda, Dist. Nandurbar.

4. The Zilla Parishad, Nandurbar
Tq. & Dist. Nandurbar
Through its Chief Executive Officer.

5. The Grampanchayat, Amalpada
Tq. Taloda, Dist. Nandurbar
Through its Administrator. .. **RESPONDENTS**

Mr. P. R. Katneshwarkar, advocate holding for Mr. A.G. Magare, advocate for petitioner.
Mrs. A. V. Gondhalekar, AGP for the State.
Mr. P. S. Patil, advocate for respondent no. 4.

WITH
WRIT PETITION NO. 9236 OF 2014

The Grampanchayat, Jamana
Through its Sarpanch
Smt. Devkiibai Saysingh Valvi
age 35 years, occ. Sarpanch
r/o Village Jamana
Tq. Akkalkuwa, Dist. Nandurbar .. **PETITIONER**

VERSUS

1. The State of Maharashtra
Through its Secretary
Rural Development and Water Conservation
Department, Mantralaya,
Mumbai 32.

2. The Collector, Nandurbar
Tq. & Dist. Nandurbar.

3. The Tahsildar, Akkalkuwa,
Tq. Akkalkuwa, Dist. Nandurbar.

4. The Zilla Parishad, Nandurbar
Tq. & Dist. Nandurbar
Through its Chief Executive Officer.

5. The Grampanchayat, Gavhali
Tq. Akkalkuwa, Dist. Nandurbar
Through its Administrator. .. **RESPONDENTS**

Mr. P. R. Katneshwarkar, advocate holding for Mr. A.G. Magare, advocate for

petitioner.
Mrs. A. V. Gondhalekar, AGP for the State.
Mr. P. S. Patil, advocate for respondent no. 4.

WITH
WRIT PETITION NO. 9237 OF 2014

The Grampanchayat, Talamba
Through its Sarpanch
Sau. Kaushalya w/o Dilwarsingh Valvi
age 38 years, occ. Sarpanch
r/o Village Talamba
Tq. Akkalkuwa, dist. Nandurbar .. **PETITIONER**

VERSUS

1. The State of Maharashtra
   Through its Secretary
   Rural Development and Water Conservation
   Department, Mantralaya,
   Mumbai 32.

2. The Collector, Nandurbar
   Tq. & Dist. Nandurbar.

3. The Tahsildar, Akkalkuwa,
   Tq. Akkalkuwa, Dist. Nandurbar.

4. The Zilla Parishad, Nandurbar
   Tq. & Dist. Nandurbar
   Through its Chief Executive Officer.

5. The Grampanchayat, Gavhali
   Tq. Akkalkuwa, Dist. Nandurbar
   Through its Administrator. .. **RESPONDENTS**

Mr. P. R. Katneshwarkar, advocate holding for Mr. A.G. Magare, advocate for petitioner.
Mrs. A. V. Gondhalekar, AGP for the State.
Mr. P. S. Patil, advocate for respondent no. 4.

WITH
WRIT PETITION NO. 9238 OF 2014

The Grampanchayat, Horaphali
Through its Sarpanch
Smt. Timkabai Ishwar Vasave

age 26 years, occ. Sarpanch
r/o Village Horaphali
Tq. Akkalkuwa, Dist. Nandurbar .. **PETITIONER**

VERSUS

1. The State of Maharashtra
   Through its Secretary
   Rural Development and Water Conservation
   Department, Mantralaya,
   Mumbai 32.

2. The Collector, Nandurbar
   Tq. & Dist. Nandurbar.

3. The Tahsildar, Akkalkuwa,
   Tq. Akkalkuwa, Dist. Nandurbar.

4. The Zilla Parishad, Nandurbar
   Tq. & Dist. Nandurbar
   Through its Chief Executive Officer.

5. The Grampanchayat, Gavhali
   Tq. Akkalkuwa, Dist. Nandurbar
   Through its Administrator. .. **RESPONDENTS**

Mr. P. R. Katneshwarkar, advocate holding for Mr. A.G. Magare, advocate for petitioner.
Mr. K.M. Suryawanshi, AGP for the State.
Mr. P. S. Patil, advocate for respondent no. 4.

WITH
WRIT PETITION NO. 9562 OF 2014

The Grampanchayat, Amoni
Through its Sarpanch
Sou. Jijabai w/o Sakharam Padvi
age 30 years, occ. Sarpanch
r/o Village Amoni
Tq. Taloda, Dist. Nandurbar .. **PETITIONER**

VERSUS

1. The State of Maharashtra
   Through its Secretary
   Rural Development and Water Conservation
   Department, Mantralaya,
   Mumbai 32.

2. The Collector, Nandurbar
Tq. & Dist. Nandurbar.

3. The Tahsildar, Taloda,
Tq. Taloda, Dist. Nandurbar.

4. The Zilla Parishad, Nandurbar
Tq. & Dist. Nandurbar
Through its Chief Executive Officer.

5. The Grampanchayat, Amoni
Tq. Taloda, Dist. Nandurbar
Through its Administrator. .. **RESPONDENTS**

Mr. P. R. Katneshwarkar, advocate holding for Mr. A.G. Magare, advocate for petitioner.
Mr. K.M. Suryawanshi, AGP for the State.
Mr. P. S. Patil, advocate for respondent no. 4.

WITH
WRIT PETITION NO. 9564 OF 2014

The Grampanchayat, Korai
Through its Sarpanch
Tedgya Goma Vasave
age 40 years, occ. Sarpanch
r/o village Korai
Tq. Akkalkuwa, Dist. Nandurbar **.. PETITIONER**

VERSUS

1. The State of Maharashtra
Through its Secretary
Rural Development and Water Conservation
Department, Mantralaya,
Mumbai 32.

2. The Collector, Nandurbar
Tq. & Dist. Nandurbar.

3. The Tahsildar, Akkalkuwa,
Tq. Akkalkuwa, Dist. Nandurbar.

4. The Zilla Parishad, Nandurbar
Tq. & Dist. Nandurbar
Through its Chief Executive Officer.

5. The Grampanchayat, Korai
Tq. Akkalkuwa, Dist. Nandurbar
Through its Administrator. .. **RESPONDENTS**

Mr. P. R. Katneshwarkar, advocate holding for Mr. A.G. Magare, advocate for petitioner.
Mrs. M.A. Deshpande, AGP for the State.
Mr. P. S. Patil, advocate for respondents no. 4 & 5.

WITH
WRIT PETITION NO. 9565 OF 2014

The Grampannchayat, Tarhawad
Through its Sarpanch
Bharat Shivdas Padvi
age 50 years, occ. Sarpanch
r/o Village Tarhawad
Tq. Taloda, Dist. Nandurbar **.. PETITIONER**

VERSUS

1. The State of Maharashtra
Through its Secretary
Rural Development and Water Conservation
Department, Mantralaya,
Mumbai 32.

2. The Collector, Nandurbar
Tq. & Dist. Nandurbar.

3. The Tahsildar, Taloda,
Tq. Taloda, Dist. Nandurbar.

4. The Zilla Parishad, Nandurbar
Tq. & Dist. Nandurbar
Through its Chief Executive Officer.

5. The Grampanchayat, Tarhawad
Tq. Taloda, Dist. Nandurbar
Through its Administrator. .. **RESPONDENTS**

Mr. P. R. Katneshwarkar, advocate holding for Mr. A.G. Magare, advocate for petitioner.
Mrs. A. V. Gondhalekar, AGP for the State.
Mr. P. S. Patil, advocate for respondents no. 4 and 5.

WITH
WRIT PETITION NO. 9566 OF 2014

The Grampanchayat, Ranzani
through its Sarpanch
Shri Krishna w/o Dharma Thakare
age 42 years, occ. Sarpanch
r/o Village Ranzani
Tq. Taloda, Dist. Nandurbar .. **PETITIONER**

VERSUS

1. The State of Maharashtra
Through its Secretary
Rural Development and Water Conservation
Department, Mantralaya,
Mumbai 32.

2. The Collector, Nandurbar
Tq. & Dist. Nandurbar.

3. The Tahsildar, Taloda,
Tq. Taloda, Dist. Nandurbar.

4. The Zilla Parishad, Nandurbar
Tq. & Dist. Nandurbar
Through its Chief Executive Officer.

5. The Grampanchayat, Ranzani
Tq. Taloda, Dist. Nandurbar
Through its Administrator. .. **RESPONDENTS**

Mr. P. R. Katneshwarkar, advocate holding for Mr. A.G. Magare, advocate for petitioner.
Mrs. A. V. Gondhalekar, AGP for the State.
Mr. P. S. Patil, advocate for respondent no. 4.

WITH
WRIT PETITION NO. 9999 OF 2014

Sou. Jawarabai w/o Aamshya Padvi
age 46 years, occ. Sarpanch of Group
Grampanchayat Ankushvihir
r/o village koyalvihir
Tq. Akkalkuwa, Dist. Nandurbar .. **PETITIONER**

VERSUS

1. The State of Maharashtra
Through its Secretary
Rural Development and Water Conservation
Department, Mantralaya,
Mumbai 32.

2. The Collector, Nandurbar
Tq. & Dist. Nandurbar.

3. The Tahsildar, Akkalkuwa,
Tq. Akkalkuwa, Dist. Nandurbar.

4. The Zilla Parishad, Nandurbar
Tq. & Dist. Nandurbar
Through its Chief Executive Officer.

5. The Grampanchayat, Ankushvihir
Tq. Akkalkuwa, Dist. Nandurbar
Through its Administrator. .. **RESPONDENTS**

Mr. P. R. Katneshwarkar, advocate holding for Mr. A.G. Magare, advocate for petitioner.
Mrs. A. V. Gondhalekar, AGP for the State.
Mr. P. S. Patil, advocate for respondents no. 4 & 5.

WITH
WRIT PETITION NO. 11077 OF 2014

Sou. Jyoti w/o Pramod Padvi
age 26 years, occ. Sarpanch of
Khushgavhan Grampanchayat
r/o village Khushgavhan
Tq. Taloda, dist. Nandurbar. **.. PETITIONER**

VERSUS

1. The State of Maharashtra
Through its Secretary
Rural Development and Water Conservation
Department, Mantralaya,
Mumbai 32.

2. The Collector, Nandurbar
Tq. & Dist. Nandurbar.

3. The Tahsildar, Taloda,
Tq. Taloda, Dist. Nandurbar.

4. The Zilla Parishad, Nandurbar
Tq. & Dist. Nandurbar
Through its Chief Executive Officer.

5. The Grampanchayat, Khushgavhan
Tq. Taloda, Dist. Nandurbar
Through its Administrator. .. **RESPONDENTS**

Mr. P. R. Katneshwarkar, advocate holding for Mr. A.G. Magare, advocate for petitioner.
Mr. P. P. More, AGP for the State.
Mr. P. S. Patil advocate for respondent no. 4.

WITH
WRIT PETITION NO. 11082 OF 2014

Shri Koma s/o Nana Padvi
age 48 years, occ. Sarpanch of
Dhanpur Grampanchayat
r/o Village Dhanpur
Tq. Taloda, Dist. Nandurbar **.. PETITIONER**

VERSUS

1. The State of Maharashtra
Through its Secretary
Rural Development and Water Conservation
Department, Mantralaya,
Mumbai 32.

2. The Collector, Nandurbar
Tq. & Dist. Nandurbar.

3. The Tahsildar, Taloda,
Tq. Taloda, Dist. Nandurbar.

4. The Zilla Parishad, Nandurbar
Tq. & Dist. Nandurbar
Through its Chief Executive Officer.

5. The Grampanchayat, Dhanpur
Tq. Taloda, Dist. Nandurbar
Through its Administrator. .. **RESPONDENTS**

Mr. P. R. Katneshwarkar, advocate holding for Mr. A.G. Magare, advocate for petitioner.

Mr. P. P. More, AGP for the State.
Mr. P. S. Patil, advocate for respondent no. 4 & 5.

WITH
WRIT PETITION NO. 11448 OF 2014

Kakadya Junya Vasave
age 50 years, occ. Member of
Talai Grampanchayat
r/o Village Panbari
Tq. Akrani(Dhadgaon), Dist. Nandurbar .. **PETITIONER**

VERSUS

1. The State of Maharashtra
   Through its Secretary
   Rural Development and Water Conservation
   Department, Mantralaya,
   Mumbai 32.

2. The Collector, Nandurbar
   Tq. & Dist. Nandurbar.

3. The Tahsildar, Akrani (Dhadgaon),
   Tq. Akrani (Dhadgaon), Dist. Nandurbar.

4. The Zilla Parishad, Nandurbar
   Tq. & Dist. Nandurbar
   Through its Chief Executive Officer.

5. The Grampanchayat, Talai
   Tq. Akrani (Dhadgaon), Dist. Nandurbar
   Through its Administrator. .. **RESPONDENTS**

Mr. P. R. Katneshwarkar, advocate holding for Mr. A.G. Magare, advocate for petitioner.
Mr. P.P. More, AGP for the State.
Mr. P. S. Patil, advocate for respondent no. 4 & 5.

WITH
WRIT PETITION NO. 11449 OF 2014

Ditya s/o Gardya Valvi
age 44 years, occ. Member of
Asali Grampanchayat
r/o Village Asali
Tq. Akrani (Dhadgaon), Dist. Nandurbar .. **PETITIONER**

VERSUS

1. The State of Maharashtra
Through its Secretary
Rural Development and Water Conservation
Department, Mantralaya,
Mumbai 32.

2. The Collector, Nandurbar
Tq. & Dist. Nandurbar.

3. The Tahsildar, Akrani (Dhadgaon),
Tq. Akrani (Dhadgaon), Dist. Nandurbar.

4. The Zilla Parishad, Nandurbar
Tq. & Dist. Nandurbar
Through its Chief Executive Officer.

5. The Grampanchayat, Asali
Tq. Akrani (Dhadgaon), Dist. Nandurbar
Through its Administrator. .. **RESPONDENTS**

Mr. P. R. Katneshwarkar, advocate holding for Mr. A.G. Magare, advocate for petitioner.
Mrs. A. V. Gondhalekar, AGP for the State.
Mr. P. S. Patil, advocate for respondent no. 4 & 5.

WITH
WRIT PETITION NO. 11450 OF 2014

Ramsingh s/o Goma Valvi
age 35 years, occ. Member of
Chhapari Grampanchayat
r/o Village Jamanvahi-Nandalwad
Post Surwani, Tq. Akrani (Dhadgaon)
Dist. Nandurbar **.. PETITIONER**

VERSUS

1. The State of Maharashtra
Through its Secretary
Rural Development and Water Conservation
Department, Mantralaya,
Mumbai 32.

2. The Collector, Nandurbar
Tq. & Dist. Nandurbar.

3. The Tahsildar, Akrani (Dhadgaon),
Tq. Akrani (Dhadgaon), Dist. Nandurbar.

4. The Zilla Parishad, Nandurbar
Tq. & Dist. Nandurbar
Through its Chief Executive Officer.

5. The Grampanchayat, Chhapari
Tq. Akrani (Dhadgaon), Dist. Nandurbar
Through its Administrator. .. **RESPONDENTS**

Mr. P. R. Katneshwarkar, advocate holding for Mr. A.G. Magare, advocate for petitioner.
Mrs. A. V. Gondhalekar, AGP for the State.
Mr. P. S. Patil, advocate for respondent no. 4 & 5.

WITH
WRIT PETITION NO. 11451 OF 2014

Sou. Aashabai w/o Vijaysingh Pawara
age 33 years, occ. Member of
Radikalam Grampanchayat
r/o Village Mankhedi (Bk)
Tq. Akrani (Dhadgaon), Dist. Nandurbar **.. PETITIONER**

VERSUS

1. The State of Maharashtra
Through its Secretary
Rural Development and Water Conservation
Department, Mantralaya,
Mumbai 32.

2. The Collector, Nandurbar
Tq. & Dist. Nandurbar.

3. The Tahsildar, Akrani (Dhadgaon),
Tq. Akrani (Dhadgaon), Dist. Nandurbar.

4. The Zilla Parishad, Nandurbar
Tq. & Dist. Nandurbar
Through its Chief Executive Officer.

5. The Grampanchayat, Radikalam
Tq. Akrani (Dhadgaon), Dist. Nandurbar
Through its Administrator. .. **RESPONDENTS**

Mr. P. R. Katneshwarkar, advocate holding for Mr. A.G. Magare, advocate for petitioner.
Mrs. A. V. Gondhalekar, AGP for the State.
Mr. P. S. Patil, advocate for respondent no. 4 and 5.

WITH
WRIT PETITION NO. 11490 OF 2014

Dashya s/o Botya Pawara
age 29 years, occ. Member of
Chikhali Grampanchayat
Tq. Akrani (Dhadgaon), Dist. Nandurbar .. **PETITIONER**

VERSUS

1. The State of Maharashtra
Through its Secretary
Rural Development and Water Conservation
Department, Mantralaya,
Mumbai 32.

2. The Collector, Nandurbar
Tq. & Dist. Nandurbar.

3. The Tahsildar, Akrani (Dhadgaon),
Tq. Akrani (Dhadgaon), Dist. Nandurbar.

4. The Zilla Parishad, Nandurbar
Tq. & Dist. Nandurbar
Through its Chief Executive Officer.

5. The Grampanchayat, Chikhali
Tq. Akrani (Dhadgaon), Dist. Nandurbar
Through its Administrator. .. **RESPONDENTS**

Mr. P. R. Katneshwarkar, advocate holding for Mr. A.G. Magare, advocate for petitioner.
Mrs. A. V. Gondhalekar, AGP for the State.
Mr. P. S. Patil, advocate for respondent no. 4 and 5.

WITH
WRIT PETITION NO. 9599 OF 2014

Shri Aalu s/o Kantilal Gavit

age 39 years, occ. Business
r/o Karanji, Tq. Navapur
Dist. Nandapur .. **PETITIONER**

VERSUS

1. The State of Maharashtra
   Through Principal Secretary
   Rural Development and Water Conservation
   Department, Mantralaya,
   Mumbai 32.

2. The Collector, Nandurbar
   Tq. & Dist. Nandurbar.

3. The Tahsildar, Navapur,
   Dist. Nandurbar.

4. The Zilla Parishad, Nandurbar
   Tq. & Dist. Nandurbar
   Through its Chief Executive Officer.

5. The Group Gram Panchayat, Karanji
   Tq. Navapur, Dist. Nandurbar
   Through its Village Panchayat Officer /
   Administrator .. **RESPONDENTS**

Mr. U.S. Patil, advocate for petitioner.
Mrs. A. V. Gondhalekar, AGP for the State.
Mr. P. S. Patil, advocate for respondent no. 4.

WITH
WRIT PETITION NO. 9594 OF 2014

Sau. Sara w/o Shamuvel Gavit
age 33 years, occ. Household
r/o Kadwan, Tq. Navapur
Dist. Nandurbar .. **PETITIONER**

VERSUS

1. The State of Maharashtra
   Through its Principal Secretary
   Rural Development and Water Conservation
   Department, Mantralaya,
   Mumbai 32.

2. The Collector, Nandurbar

Tq. & Dist. Nandurbar.

3. The Tahsildar, Navapur,
Tq. Navapur, Dist. Nandurbar.

4. The Zilla Parishad, Nandurbar
Tq. & Dist. Nandurbar
Through its Chief Executive Officer.

5. The Group Gram Panchayat
Kadwan, Tq. Navapur, Dist. Nandurbar
Through its Village Panchayat Officer /
Administrator. .. **RESPONDENTS**

Mr. U.S. Patil, advocate for petitioner.
Mrs. A. V. Gondhalekar, AGP for the State.
Mr. P. S. Patil, advocate for respondent no. 4.

WITH
WRIT PETITION NO. 9595 OF 2014

Sau. Sandipa w/o Molamji Gavit
age 24 years, occ. Household
r/o Chitvi, Tq. Navapur
Dist. Nandurbar .. **PETITIONER**

VERSUS

1. The State of Maharashtra
Through its Secretary
Rural Development and Water Conservation
Department, Mantralaya,
Mumbai 32.

2. The Collector, Nandurbar
Tq. & Dist. Nandurbar.

3. The Tahsildar,
Navapur, Tq. Navapur
Dist. Nandurbar

4. The Zilla Parishad, Nandurbar
Tq. & Dist. Nandurbar
Through its Chief Executive Officer.

5. The Group Gram Panchayat
Chitvi, Tq. Navapur, Dist. Nandurbar

Through its Village Panchayat Officer /
Administrator .. **RESPONDENTS**

Mr. U.S. Patil, advocate for petitioner.
Mrs. A. V. Gondhalekar, AGP for the State.
Mr. P. S. Patil, advocate for respondent no. 4.

WITH
WRIT PETITION NO. 9596 OF 2014

Smt. Nirmala s/o Poslya Kokni
age 32 years, occ. Household
r/o Bilmanjre, Tq. Navapur
Dist. Nandurbar .. **PETITIONER**

VERSUS

1. The State of Maharashtra
   Through its Secretary
   Rural Development and Water Conservation
   Department, Mantralaya,
   Mumbai 32.

2. The Collector, Nandurbar
   Tq. & Dist. Nandurbar.

3. The Tahsildar,
   Navapur, Tq. Navapur
   Dist. Nandurbar

4. The Zilla Parishad, Nandurbar
   Tq. & Dist. Nandurbar
   Through its Chief Executive Officer.

5. The Group Gram Panchayat
   Bilmanjre, Tq. Navapur, Dist. Nandurbar
   Through its Village panchayat Officer,
   Administrator. .. **RESPONDENTS**

Mr. U.S. Patil, advocate for petitioner.
Mrs. A. V. Gondhalekar, AGP for the State.
Mr. P. S. Patil, advocate for respondent no. 4 .

WITH
WRIT PETITION NO. 9597 OF 2014

Sau. Zarina w/o Arjun Vasave
age 32 years, occ. Household
r/o Nizampur, Tq. Navapur
Dist. Nandurbar .. **PETITIONER**

VERSUS

1. The State of Maharashtra
   Through its Principal Secretary
   Rural Development and Water Conservation
   Department, Mantralaya,
   Mumbai 32.

2. The Collector, Nandurbar
   Tq. & Dist. Nandurbar.

3. The Tahsildar,
   Navapur, Tq. Navapur
   Dist. Nandurbar

4. The Zilla Parishad, Nandurbar
   Tq. & Dist. Nandurbar
   Through its Chief Executive Officer.

5. The Group Gram Panchayat
   Nizampur, Tq. Navapur, Dist. Nandurbar
   Through its Village Panchayat Officer /
   Administrator .. **RESPONDENTS**

Mr. U.S. Patil, advocate for petitioner.
Mrs. A. V. Gondhalekar, AGP for the State.
Mr. P. S. Patil, advocate for respondent no. 4.

WITH
WRIT PETITION NO. 9598 OF 2014

Sau. Sunita w/o Dilip Gavit
age 33 years, occ. Household
r/o Khanapur, Tq. Navapur
Dist. Nandurbar .. **PETITIONER**

VERSUS

1. The State of Maharashtra
   Through its Principal Secretary
   Rural Development and Water Conservation
   Department, Mantralaya,

Mumbai 32.

2. The Collector, Nandurbar
Tq. & Dist. Nandurbar.

3. The Tahsildar,
Navapur, Dist. Navapur
Dist. Nandurbar

4. The Zilla Parishad, Nandurbar
Tq. & Dist. Nandurbar
Through its Chief Executive Officer.

5. The Group Gram Panchayat
Khanapur, Tq. Navapur, Dist. Nandurbar
Through its Village Panchayat Officer /
Administrator .. **RESPONDENTS**

Mr. U.S. Patil, advocate for petitioner.
Mrs. A. V. Gondhalekar, AGP for the State.
Mr. P. S. Patil, advocate for respondent no. 4 .

WITH
WRIT PETITION NO. 9600 OF 2014

Sau. Aasha w/o Uttam Jagtap
age 38 years, occ. Household
r/o Malwan, Tq. Navapur
Dist. Nandurbar .. **PETITIONER**

VERSUS

1. The State of Maharashtra
Through its Principal Secretary
Rural Development and Water Conservation
Department, Mantralaya,
Mumbai 32.

2. The Collector, Nandurbar
Tq. & Dist. Nandurbar.

3. The Tahsildar,
Navapur, Tq. Navapur
Dist. Nandurbar

4. The Zilla Parishad, Nandurbar
Tq. & Dist. Nandurbar
Through its Chief Executive Officer.

5. The Group Gram Panchayat
Malwan, Tq. Navapur, Dist. Nandurbar
Through its Village Panchayat Officer /
Administrator .. **RESPONDENTS**

Mr. U.S. Patil advocate for petitioner.
Mrs. A. V. Gondhalekar, AGP for the State.
Mr. P. S. Patil, advocate for respondent no. 4.

WITH
WRIT PETITION NO. 9601 OF 2014

Sau. Anita w/o Jentya Gavit
age 30 years, occ. Household
r/o Borpada, Tq. Navapur
Dist. Nandurbar .. **PETITIONER**

VERSUS

1. The State of Maharashtra
Through its Principal Secretary
Rural Development and Water Conservation
Department, Mantralaya,
Mumbai 32.

2. The Collector, Nandurbar
Tq. & Dist. Nandurbar.

3. The Tahsildar,
Navapur, Tq. Navapur
Dist. Nandurbar

4. The Zilla Parishad, Nandurbar
Tq. & Dist. Nandurbar
Through its Chief Executive Officer.

5. The Group Gram Panchayat
Borpada, Tq. Navapur, Dist. Nandurbar
Through its Village Panchayat Officer /
Administrator .. **RESPONDENTS**

Mr. U.S. Patil, advocate for petitioner.
Mrs. A. V. Gondhalekar, AGP for the State.
Mr. P. S. Patil, advocate for respondent no. 4.

WITH
WRIT PETITION NO.9638 OF 2014

Sakaliumar Grampanchayat
Taluka Akkalkuva
District Nandurbar
Through its Sarpanch
Vantibai Bharatsing Padvi
age 45 years, occ. Sarpanch
r/o Sari, Tq. Akkalkuva
Dist. Nandurbar .. **PETITIONER**

VERSUS

1. The State of Maharashtra
Through its Secretary
Rural Development and Water Conservation
Department, Mantralaya,
Mumbai 32.

2. The Divisional Commissioner
Nashik Division, Nashik
Dist. Nasik

3. The Zilla Parishad,
Through its Chief Executive Officer
Nandurbar.

4. The Chairman
Standing Committee for Zilla Parishad
Nandurbar, Dist. Nandurbar

5. The Chairman,
Standing Committee for Panchayat Samiti
Akkalkuva
Dist. Nandurbar

6. Group Development Officer
Panchayat Samiti, Akkalkuva
Taluka Akkalkuva, Dist. Nandurbar .. **RESPONDENTS**

Mr. Ameya Sabnis, advocate holding for Mr. A.S.Savale, advocate for petitioner.
Mrs. A. V. Gondhalekar, AGP for the State.
Mr. P. S. Patil, advocate for respondent no. 3.

WITH
WRIT PETITION NO. 10640 OF 2014

Ramesh Manya Gavit
age 41 years, occ. Agril
r/o Ukalapani, Tq. Navapur
Dist. Nandurbar .. **PETITIONER**

VERSUS

1. The State of Maharashtra
Through its Secretary
Rural and Water Conservation
Department, Mantralaya,
Mumbai 32.

2. The Collector, Nandurbar
Tq. & Dist. Nandurbar.

3. Block Development Officer
Panchayat Samiti, Navapur
Tq. Navapur, Dist. Nandurbar

4. The Zilla Parishad, Nandurbar
Tq. & Dist. Nandurbar
Through its Chief Executive Officer.

5. The Group Grampanchayat, Wadakalambi
Tq. Navapur, Dist. Nandurbar
Through Administrator .. **RESPONDENTS**

Mr. A.R. Syed, advocate holding for Mr. S.P. Brahme, advocate for petitioner.
Mrs. A. V. Gondhalekar, AGP for the State.
Mr. P. S. Patil, advocate for respondent no. 4.

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CORAM : R.M. BORDE &
P.R. BORA, JJ.
DATE : 4th MARCH, 2015.

JUDGMENT : (PER R. M. BORDE, J.)

1. Heard.

2. Rule. With the consent of the parties, petitions are taken up for final disposal at admission stage.

3. The grounds raised and the contentions put forth before this Court in all these petitions are identical and the challenge raised is also the same, as such, all the petitions are being taken up together and are being disposed of by common order.

4. Petitioners are objecting to Government Resolution dated 30.06.2014 directing division of villages in exercise of powers conferred under section 4 of the Bombay Village Panchayat Act and in consonance with Article 243G of the Constitution of India. Consequent notification issued by the General Executive Officer, Zilla Parishad, Nandurbar on 28.08.2014 directing appointment of Adminstrator to administer the newly formed Village Panchayat is also a matter of challenge.

5. Facts giving rise to Writ Petition No. 9228/2014 can be stated in nutshell as follows :

General election to group Gram Panchayat Khatwani was held in the month of June 2011 under supervision and control of the State Election Commission. On declaration of result of the election in a meeting of newly elected body of Village Panchayat, the Sarpanch and Up-Sarpanch were elected for a tenure of five years. Village Panchayat Khatwani consists of four hamlets namely Jamli, Kubharkhan, British Ankushvihir and Khadke. It is the contention of petitioner that respondent no. 1 – State, without

following the procedure prescribed under section 4 of the Village Panchyat Act, proceeded to direct division of Village Panchayat Khatwani into two villages. Village Khatwani after its division consists of Jamli and Kubhar Khan hamlets whereas newly constituted Village Panchayat is named British Ankushvihir and it consists of another hamlet namely Khadke. Petitioner contends that there was no proposal forwarded by the State declaring its intention to divide village Khatwani into two villages nor there was any proper consultation with the Village Panchayat or the Panchayat Samiti and Standing Committee of the Zilla Parishad as mandated under section 4 of the Act. It is further contended that district Nandurbar is a scheduled area and the provisions of Panchayats (Extension of Scheduled Areas) Act, 1996 are applicable to the Panchayats included in the district. It is contended that provisions of the Act of 1996 have been breached while directing division of the Village Panchayat.

6. An affidavit-in-reply has been presented on behalf of respondent no. 2 wherein it has been contended that Gram Sabha was held in each of the villages and the announcement of holding of Gram Sabha was previously declared by beat of drums on three occasions in each of the villages. The Sarpanch of the respective villages held monthly meeting of the Panchayat on 14.08.2013 and unanimously passed resolution in favour of division of Village Panchayat. The Gram Sabha was also held on 15.08.2013 in each of the villages and a resolution in respect of division of Gram Panchayat was adopted unanimously in the Gram Sabha and no objections have been raised in that regard. It is further contended that respective Panchayat

Samitis unanimously passed resolution in its monthly meeting and accepted the decision of the Village Panchayat. It is futher contended that the Standing Committee of Zilla Parishad, Nandurbar also unanimously passed a resolution on the subject and there was no objection raised to the decision of the concerned Village Panchayat in respect of division of the village. The Standing Committee of Zilla Parishad also approved the resolution adopted by the Village Panchayat. It is thus contended that the provisions of section 4 of the act have been adhered to.

7. This Court directed respondents to file separate affidavit in each of the matters specifying therein compliance of requirements provided under section 4(2) of the Bombay Village Panchayat Act meaning thereby to submit details in respect of consultation with the Standing Committee, Gram Sabha and the Panchayat Samiti concerned. The State Government was also called upon to place on record documents as to when demand was made for bifurcation of village, nature of such demand and particulars thereof. The State was also called upon to place on record material constituting consultation i.e. the resolution of the Gram Sabha, the Panchayat concerned, post demand and the resolution of the Standing Committee. The State Government has presented affidavit in each of the petitions complying with the directions issued by this Court.

8. Learned counsel for petitioner contends that section 4(2) of the act contemplates that there shall be proposal for division of village and said proposal shall be placed before the concerned Village Panchayat and

thereafter the Village Panchayat is expected to approve the same. It is further contended that there is requirement of consultation post demand with the Standing Committee and the Gram Sabha and Panchayat Samiti concerned. It is contended that no such tentative decision was forwarded to the Village Panchayat for its consideration and as such there is no compliance of section 4(2) of the Act. It is further contended relying upon the provisions of Panchayats (Extension of Scheduled Area) Act, 1996 that division of villages is in breach of section 4(b) of the said Act. Section 4 of the Act of 1996 provides thus :

> 4. Notwithstanding anything contained under Part IX of the Constitution, the Legislature of a State shall not make any law under that Part which is inconsistent with any of the following features, namely :-
>
> (a) a State legislation on the Panchayats that may be made shall be in consonance with the customary law, social and religious practices and traditional management practices of community resources;
>
> (b) a village shall ordinarily consist of a habitation or a group of habitations or a hamlet or a group of hamlets comprising a community and managing its affairs in accordance with traditions and customs;
>
> (c) every village shall have a Gram Sabha consisting of persons whose names are included in the electoral rolls for the Panchayat at the village level;
>
> (d) every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution;

9. Petitioner contends that a village in a scheduled area shall ordinarily

consist of habitation or group of habitation or hamlet or group of hamlets comprising a community and managing its affairs in accordance with its traditions and customs. It is contended that the villages formed after bifurcation are not a homogeneous units and the said villages do not consist of members comprising a community and managing its affairs in accordance with its traditions and customs. It is contended that so far as village Khatwani is concerned, bifurcation made is in violation of section 4(b) of the act since one of the hamlets consist of a totally different tribal group and the said tribal group cannot assimilate with the other tribal community. It is further contended that as a result of bifurcation the village community is not in a position to preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution.

10. Having heard arguments advanced by respective parties, it is noticed that in almost all cases there was a demand by the village community for making division of the village. The demand was tendered in writing to the concerned Village Panchayat which was forwarded to the Panchayat Samiti and Zilla Parishad. Subsequent to the demand made by villagers, meeting of Gram Sabha in each of the villages was convened. Notice of meeting of Gram Sabha was given by beat of drums in each of the villages well in advance before the meeting. A day prior to Gram Sabha meeting, the Village Panchayat in its monthly meeting held under the chairmanship of Sarpanch of each villages, adopted a resolution approving division of Village Panchayat. The meeting of Gram Sabha convened on the next day also

adopted the resolution in respect of division of villages. The proposal for division of villages was thereafter forwarded to the concerned Panchayat Samiti which accorded its approval and thereafter said proposal has also been approved by the Standing Committee of the Zilla Parishad. Record in respect of consultation with the concerned Village Panchayat, Gram Sabha, Panchayat Samiti as well as Standing Committee of Zilla Parishad is placed on record in almost all the petitions. It is thus observed that the procedure prescribed under section 4(2) of the act has been substantially observed and there is no breach warranting quashment of the decision in respect of bifurcation of Village Panchayat.

11. Reliance is placed by petitioners on the judgment in the matter of *Village Panchayat Talegaon vs. State of Maharashtra* reported in **2008(2) Mh.L.J. 620**. In the reported matter, there was no consultation with the Standing committee of Zilla Parishad and as such the resolution directing bifurcation of village was quashed by the Division Bench. In the instant matter, it is noticed that there is compliance of requirement of section 4 in respect of consultation with the Gram Sabha, Panchayat Samiti as well as Standing Committee of the Zilla Parishad.

12. Referring to the decision in the matter of *Ashok Ganapat Jadhav and another Vs. State Election Commission, Mumbai* reported in **2000(4) Mh.L.J. 150**, it is contended that there is no proper consultation and no opportunity of hearing is given to the villagers of concerned village and as such, there is a breach of observance of principles of natural justice which is bound to

result in invalidation of the action. The Division Bench of this Court has referred to the judgment of the Supreme Court in the matter of *Baldev Singh and others Vs. State of Himachal Pradesh and others* reported in **AIR 1987 SC 1239** in paragraph no. 10 of the judgment wherein it has been observed thus :

> "We accept the submission on behalf of the appellants that before the notified area was constituted in terms of section 256 of the Act, the people of the locality should have been afforded an opportunity of being heard and the administrative decision by the State Government should have been taken after considering the views of the residents. Denial of such an opportunity is not in consonance with the scheme of the Rule of Law governing our society. We must clarify that the hearing contemplated is not required to be oral and can be by inviting objections and disposing them of in a fair way."

In paragraph no. 13 of the judgment the Division Bench as observed thus :

> 13. By now it is well settled in law that after introduction of Part IX in the Constitution and the consequent amendments to the provisions of section 4 of the Village Panchayats Act, an opportunity of hearing prior to the delimitation order is passed, is mandatory and the order to be passed by the State Government for delimiting the areas of a Village Panchayat or separating a group Grampanchayat into two Village Panchayats mandate a prior opportunity of hearing to the village residents in keeping with the rule of audi alteram partem. Even the language of the amended provisions of section 4 of the Act is distinctly different from the old provisions and the amended provisions reflect the Constitutional mandate so as to meet the aspirations and ambitions of the villagers. A village is a community which has its own rights, privileges, aspirations, obligations and responsibilities etc., and, therefore, it would not be sufficient to consult only the Village Panchayat or a Committee of the Village Panchayat before delimiting the village areas. What is explicit in the

> constitutional mandate and the provisions of section 4 of the Act is the mandatory requirement of the villagers being heard before such an order of delimiting is passed by the Government. This opportunity of hearing may be by way of displaying notice on the village Chawdi/Panchayat or any place prominent in the respective wards and/or by giving a public notice by beat of drums and it may not be necessary to give individual notice of hearing to every villagers. So long as the mode of giving notice to all the villagers by way of publication, the annoucement by beat of drums etc., it followed and they are called upon to put up their say on the proposal of delimitation, the principles of natural justice would be met.

In the instant matter, it is noticed that an ample opportunity has been given to the villagers to put forth their objections. There was declaration in the village preceding holding of Gram Sabha by beat of drums and the Gram Sabha was actually held and resolution was adopted therein supporting the decision of bifurcation of village. The law does not contemplate individual notice of hearing to every villager nor there is requirement of providing for an opportunity to make oral submissions before rendering any decision. It is required to be noticed that there was a demand by the villagers themselves and post demand, there is a decision by the concerned Gram Sabha in favour of division of Village Panchayat. The decision of the Village Panchayat has also been approved in the meeting of the concerned Gram Panchayat and the said decision which was forwarded later on to the Panchayat Samiti and the Standing Committee and has also received approval of both the local authorities. Thus, there is substancial compliance of provisions of section 4(2) of the Act.

13. The judgment delivered by the Full Bench of Gujrat High Court in the

matter of *Pruthvisinh Amarsinh Chauhan Vs. K.D. Rawat and others* reported in **AIR 2004 Gujarat 243** has been relied upon to contend that the statute requires an authority to consult before taking action regarding bifurcation of Panchayats, the consultation should not be a mere formality, but must be genuine and meaningful, then only the object of incorporation of this cause in the statute by the makers of law would be fulfilled. In the instant matter, the decision of bifurcation of Village Panchayat is in adherence to section 4(2) of the act and since it is noticed that there was a demand by the concerned villagers themselves, the contention raised by petitioner that consultation must be proceeded by the tentative decision of the Government holds no water.

14. So far as objection raised by petitioner in respect of non-observance of provisions of the Act of 1996 is concerned, there is no material brought on record to demonstrate that by virtue of bifurcation of the villages a group of hamlets comprising of different communities have been compulsorily brought together. The provisions of section 4(b) of PESA Act direct that the village shall ordinarily consist of habitation or group of habitation or hamlets or group of hamlets comprising a community and managing its affairs in accordance with its traditions and customs. There is a mandate to the State, while constituting a village, to ordinarily ensure compliance as suggested under section 4(b). the grounds raised by petitioner for canvassing that the decision of the State Government is violative on account of non-observance of directives contained in section 4(b) of the act cannot necessarily form ground for vitiating the decision taken by the State

Government in adherence to the provisions of section 4(2) of the Bombay Village Panchayat Act, 1958.

15. As has been stated above, all the petitions listed before us arise out of similar set of facts and as such, all the petitions deserve to be disposed of in view of reasons set out above. In our considered view, the decision taken by the State Government directing bifurcation of the villages in Nandurbar district cannot be faulted. All the petitions are devoid of substance hence stand dismissed. Rule discharged. There shall be no order as to costs.

(P. R. BORA)
JUDGE

(R. M. BORDE)
JUDGE

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