

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7592 OF 2014

Ashok Baburao Vade.	...	Petitioner.
V/s.		
State of Maharashtra and others.	...	Respondents.

Sachin R. Pawar for the petitioner.

PPKakade, AGP for respondent Nos.1 to 3.

Sachin Chavan for respondent Nos.5 to 12.

Dushyant Purekar for respondent Nos.14, 15 and 21.

**CORAM : NARESH H. PATIL AND
S.B. SHUKRE, JJ.**

DATED : 24th August 2015.

PC.

The petitioner is a sitting member of Gram Panchayat, village Pam, Palghar. It is the grievance of the petitioner that encroachment is made on the new extended Gaothan land of Pam village. It is alleged that the encroachment is done by some of the members of the Gram Panchayat. The contentions of the petitioner are disputed by the respondents. Affidavit in reply has been filed to that effect. The petition is pending since year 2014. Learned counsel for the petitioner submits that in case the petitioner does not take any steps for removal of the

encroachment then it is likely that the authority may disqualify him under section 39 of the Maharashtra Village Panchayat Act.

2. In the facts, we are of the view that it is the responsibility of the concerned authorities to take appropriate steps in accordance with law and the policies framed by the State as reflected in various government resolutions to remove encroachment.

3. We have perused the record and replied filed before us.

4. We direct respondent Nos.1, 3 and 5 to take appropriate steps in respect of alleged encroachment on the new extended Gaothan land, strictly, in accordance with law and the policies framed and after making proper demarcation. The affected parties must be noticed and in deserving cases must be heard. We do not express any opinion on the merits of the allegations made herein.

5. With this observation and direction, petition is disposed of.

(S.B. SHUKRE, J.)

(NARESH H. PATIL, J.)