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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4174 OF 2014

Shri Mohan Mahadu Gavane

.. Petitioner

Vs.

1. The State of Maharashtra and ors.

.. Respondents

WITH
WRIT PETITION NO. 4187 OF 2014

1. Sobaji Gundu Pawar and anr.

.. Petitioners

Vs.

1. State of Maharashtra and ors.

.. Respondents

Ms. Prerana Silimkar i/by Mr. A. S. Gaikwad for petitioner in WP No. 4174 of 2014.

Mr. S. S. Kanetkar for petitioners in WP No. 4187 of 2014.

Mr. P. P. Kakade, AGP for respondent nos.1 to 3 in both the matters.

Mr. T. N. Sonawane for respondent no.5.

CORAM: NARESH H. PATIL &
S. B. SHUKRE, JJ.

DECEMBER 04, 2015.

P.C.

1. By an order dated 1/3/2013, Division Bench of this court in Writ Petition No. 11552 of 2012 passed following order :-

“ ORDER

1. We direct the Respondent No.1 to look into the representation dated 21st September, 2012 (Exhibit “A” to the petition). If the first respondent finds that there are encroachments made as alleged in the representation on the public property and/or on the “gairan” land, the first respondent shall issue necessary directions to the concerned authorities to take steps for removal of the encroachments. This exercise shall be completed within a period of three months from the date on which an authenticated copy of this order is produced by the petitioners before the first respondent. We direct the petitioners to appear before the first respondent on 25th March, 2013. On that day, the petitioners shall produce the authenticated copy of the judgment and order before the first respondent.
 2. The petition is disposed of on above terms.”
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2. We have perused the order dated 16/9/2013 passed in Civil Application No. 2261 of 2013 in Writ Petition No. 11552 of 2012 and order dated 24/10/2013 passed in Writ Petition Stamp No. 28230 of 2013.
 3. Learned counsel appearing in present petitions submit that without

following principles of natural justice and without hearing the petitioners, the Gram Panchayat passed order directing removal of illegal structures of the petitioners. Learned counsel submit that they would challenge those orders by amending the petitions.

4. Learned counsel appearing for the Gram Panchayat submits that the petitioners were in fact given an opportunity of hearing. At this stage we do not express any opinion on the said plea.

5. Section 53 of the Maharashtra Village Panchayat Act, 1959 refers to subject "Obstructions and encroachments upon public streets and open sites. The petitioners have statutory remedy under the provisions of Section 53 of the Act.

6. The petitioners may resort to efficacious statutory remedy, which is prescribed under the Act. We do not express any opinion on the merits of the matter. Both the petitions are disposed of. All issues on merits are kept open. Parties to maintain status quo for a period of four weeks from today.

(S. B. SHUKRE, J.)

(NARESH H. PATIL, J.)