

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

Writ Petition No. 5320 of 2011

District : Aurangabad

Mrs. Mohini w/o. Milind Kelkar,
Age : 50 years,
Occupation : Business,
Managing Partner of
M/s. M.K. International,
resident of 5/9/105, Pagariya Colony,
Station Road, Aurangabad,
District : Aurangabad.

.. Petitioner.

versus

1. The State of Maharashtra,
Through Secretary,
Rural Department,
Mantralaya, Mumbai - 32.
2. The Collector,
District : Aurangabad,
Aurangabad.
3. The Chief Executive Officer,
Zilla Parishad, Aurangabad.
4. The Block Development Officer,
Gangapur, Taluka : Gangapur,
District : Aurangabad.
5. The Sarpanch,
Group Gram Panchayat,
Ghanegaon, Taluka : Gangapur,
District : Aurangabad.
6. Maharashtra Industrial Development
Corporation (M.I.D.C.),
Through its Regional Manager,
Railway Station, Industrial Estate,
Aurangabad.

.. Respondents.

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*Mr. A.D. Soman, Advocate, holding for
Mr. D.V. Soman, Advocate, for the petitioner.*

*Mr. S.G. Karlekar, Asst. Government Pleader, for
respondent nos.1 and 2.*

Mr. U.B. Bondar, Advocate, for respondent nos.3 and 4.

Mr. A.M. Gholap, Advocate, for respondent no.5.

Mr. S.S. Dande, Advocate, for respondent no.6.

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**CORAM : S.V. GANGAPURWALA &
A.M. BADAR, JJ.**

DATE : 17TH FEBRUARY 2016

COURT'S ORDER *(Per S.V. Gangapurwala, J.) :*

1. We have heard Mr. Soman, the learned Counsel for the petitioner, and Mr. Gholap, the learned Counsel for respondent no.5, at length.
2. The dispute is about powers of Grampanchayat to issue notice under Section 53 of the Maharashtra Village Panchayats Act 1958.
3. After hearing the matter, we had asked the learned Counsel for the petitioner, as to whether the petitioner is ready to abide by what was stated in his representation / application dated 8-2-2011 (page 71 with the petition). The learned Counsel had taken some time. As such, the matter is placed today. He has filed on record, the undertaking of the

petitioner who is Managing Partner of M/s. M.K. International, Aurangabad. The said undertaking states that the road which is towards the south of plot No. H-17/12 (road towards Ghanegaon) will not be used for parking of vehicles which are coming to M.K. International. The said undertaking is taken on record and marked as "X" for identification.

4. The said undertaking is accepted. The dispute was about parking of vehicles on road. Copy of the said undertaking is also given to Mr. Gholap, the learned Counsel for respondent no.5 - Grampanchayat.

5. In view of the said undertaking, now the dispute would not remain. The petitioner would abide by the said undertaking.

6. In the light of the undertaking filed on record, on behalf of the petitioner, the Writ Petition is allowed. The impugned notice dated 31-1-2011 issued by respondent no.5 (Exhibit "G" with the petition), is quashed and set aside.

7. Rule is made absolute in the above terms. No costs.

(A.M. BADAR)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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