

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO. 230 OF 2014

Manohar Kashinath Patil & Ors. .. Petitioners
V/s
State of Maharashtra & Ors. .. Respondents

Mr. Suhas Deokar for the petitioner.
Mr. A.B. Vagyani, Government Pleader with Mr. M.M. Pabale, AGP for the State.
Mr. C.G. Gavnekar for respondent no.3.

**CORAM: DR. MANJULA CHELLUR, C.J. &
M.S. SONAK, J.**

DATE : 29th NOVEMBER 2016

P.C.:

The petitioners are before this Court seeking the following reliefs:

- “(a) *That by Writ of Mandamus and/or by appropriate Writ, Direction and Order, Your Lordships be pleased to direct the Respondent No.1 to reconsider demand for bifurcation of Respondent No.3 into 3 independent Gram Panchayats as recommended by Respondent No.2 in his Recommendation dated 24-25/05/2012 contained in Exhibit-B (Colly.);*
- (b) *That by Writ of Mandamus and/or by appropriate Writ, Direction and Order, Your Lordships be pleased to quash and*

set aside the Decision of Respondent No.1 dated 15/10/2013 (annexed at Exhibit “D”) rejecting demand for bifurcation of Respondent No.3 into 3 independent Gram Panchayats as communicated by Respondent No.2 to Chief Executive Officer of Respondent No.4 vide his Communication dated 30/10/2013 annexed at Exhibit-C hereto.”

2. The ground for such prayers seems to be, in the opinion of the petitioners, the existing Panchayat may not be able to administer it properly so as to extend all the benefits. The petitioners have also narrated at several paragraphs the difficulties on account of geographical situation of different villages in the same panchayat when compared to some other villages.

3. From the affidavit in reply at page 191, we note that in the meeting of Gram Panchayat held on 18th October 2011, 980 villagers were present. They all unanimously decided that there is no requirement of bifurcation of third Gram Panchayat and accordingly a resolution was made and the same was forwarded to the State Government. According to the State and even in terms of the Rules and the Statute, the opinion of the locals or residents of that Panchayat plays major role in taking a final call whether there has to be bifurcation or not. Apart from that opinion of the residents of the Panchayat, there could be extraordinary or special reason why bifurcation is needed. These are many factors which have to be considered in a meeting where all the stakeholders could give their

opinion. In other words, this is not the floor where with certainty one could decide the issue, since it is purely a policy decision depending upon various factual consideration.

4. In that view of the matter, in the absence of any vested right as such in existence for the petitioners to seek such demand, we fail to understand how in the nature of a public interest litigation such cause of the petitioners which, according to the petitioners' perception, is best suited, could be adjudicated upon.

5. In the light of the above observations, we decline to intervene. However, the petitioners are at liberty to pursue the authorities concerned for redressal in the matter of bifurcation of Panchayat as claimed in the PIL.

6. The PIL is disposed of with the above observations.

(M.S. SONAK, J.)

CHIEF JUSTICE