

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 525 OF 2016

VISHAL SANTOSH PATIL  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Shri B.S. Deokar.  
AGP for Respondent No. 1 and 2 : Shri S.K. Tambe.  
Advocate for Respondent No. 3 : Shri P.S. Dighe.

CORAM : RAVINDRA V. GHUGE, J.  
Dated : 28<sup>th</sup> July, 2017

PER COURT :

1. The petitioner has challenged the decision/order dated 16.11.2015, delivered by the District Collector, Dhule, in Gram Panchayat Distpute Application No. 01/2015, by which, the petitioner is disqualified as a Surpanch on account of causing encroachment on the government land or public property under Section 14 (1) – J (3) of the Maharashtra Village Panchayat Act.

2. It is pointed out that the petitioner has a statutory remedy under Section 16 (2), by which, he can challenge the order of the Collector by preferring the appeal before the State Government. Learned AGP submits that the appeal would be

maintainable before the Additional Divisional Commissioner, Nashik.

3. Considering the above, as a statutory remedy is available, I am not inclined to entertain this petition by permitting the petitioner to bypass the said remedy.

4. This petition is, therefore, disposed of with liberty to the petitioner to approach the competent authority by preferring the proceedings within period of six weeks from today. Since, this Court has not entertained this petition on its merits, the said proceedings shall be adjudicated upon by the competent authority on its own merits. The time spent by the petitioner in this Court from 18/12/2015, till the passing of this order shall be a ground for condonation of delay.

( RAVINDRA V. GHUGE, J. ).