

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

**CIVIL APPLICATION NO. 10958 OF 2017
IN WP/1317/2014**

**GRAMPANCHAYAT CHORAKHALI THROUGH ITS GRAMSEVAK R N
MITAKARI
VERSUS
DHARASHIV SAKHAR KARKHANA LTD THROUGH ITS CHAIRMAN AND
OTHERS**

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Advocate for the Applicant : Shri Choudhari Sushant B.

Advocate for Respondent 1 : Shri S.S.Thombre.

AGP for Respondent 3/ State : Shri V.S.Badakh.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 05th January, 2018

Per Court:

1 The Applicant/ Village Panchayat is Respondent No.6 in the Writ Petition. The original Petitioner Sugar Factory, which is subjected to levying of tax under Section 124 of the Maharashtra Village Panchayats Act, has already deposited an amount of Rs.28,95,000/-.

2 By order dated 12.06.2014, the Writ Petition has been admitted and the Applicant Village Panchayat is permitted to withdraw 50% of the amount, which has been deposited by the Sugar Factory with the Collector, Osmanabad and the remaining 50% lying with the Collector was transferred to this Court and was invested in the Fixed Deposit

Receipt. This Court further directed the parties to take recourse to Section 125 of the Maharashtra Village Panchayats Act.

3 Considering the above and since the issue as to whether, Section 124 or Section 125 of the Maharashtra Village Panchayats Act would become applicable, is being considered in this Writ Petition, I do not deem it appropriate to permit the Applicant Village Panchayat to withdraw the remaining amount deposited in this Court. This Civil Application is, therefore, rejected.

4 Notwithstanding the above, the learned Advocate for the Applicant as well as the learned Advocate for the Sugar Factory submit that each of them is willing to take recourse to Section 125 of the Maharashtra Village Panchayats Act without prejudice to their rights involved in the writ petition.

5 Considering this position, I deem it appropriate to permit the District Collector, Osmanabad to direct the Applicant Village Panchayat as well as the original Petitioner Sugar Factory to take recourse to Section 125 of the Maharashtra Village Panchayats Act and initiate steps in that direction, expeditiously.