

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

**WRIT PETITION NO. 14537 OF 2017**

Arjun Manik Datir and others

.. **Petitioners**

**Versus**

The State of Maharashtra and others

.. **Respondents**

Shri K. N. Shermale, Advocate for the Petitioners.

Mrs. A. V. Gondhalekar, Addl. G. P. for Respondent Nos. 1 and 2.  
Respondent No. 3 served.

Shri Shivaji T. Shelke, Advocate for Respondent Nos. 5 and 6.

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

**DATE** : **26<sup>th</sup> February, 2018**

**PER COURT :**

1. Mr. Shermale, learned advocate for the petitioners submits that the Sarpanch alongwith his father-in-law and brother-in-law passed an illegal resolution for construction of the new Grampanchayat building on the land allegedly owned by the Zilla Parishad. Even the Gift Deed is not registered in accordance with law. The Zilla Parishad cannot become the owner of that property. All the members of the Grampanchayat and the villagers had taken a decision to construct the new Grampanchayat building at the place of existing Grampanchayat

building. The same is at the gavthan area which would be convenient for all the villagers. The Sarpanch to meet his financial interest has got that resolution passed. Only three members were present. Whereas the whole village is against shifting the building of the Grampanchayat.

2. Mr. Shelke, learned advocate submits that work order is already issued on 28<sup>th</sup> November, 2017. The administrative sanction was given to start the work on the Zilla Parishad land for construction of new Grampanchayat building on 16<sup>th</sup> September, 2016. The technical sanction was given on 3<sup>rd</sup> May, 2017. The construction has also commenced and is ready up to the lintel level. The land is owned by the Zilla Parishad. The place where the petitioners want the Grampanchyat building is owned by the State Government.

3. We have considered the submissions.

4. It appears that various parties are interested in getting the Grampanchayat building constructed at the place of their choice. It is for the Zilla Parishad to grant administrative and technical sanction for the construction of the Grampanchayat building at a

particular place. The Zilla Parishad has applied its mind and has granted administrative sanction way back on 16<sup>th</sup> September, 2016 for construction of the new Grampanchayat building at the place owned by the Zilla Parishad and thereafter even technical sanction has been given on 3<sup>rd</sup> May, 2017. The decision to construct the building at a particular place is within the realm of Zilla Parishad and the Zilla Parishad has taken that decision.

5. This court would not dilate upon the inter-se interest of the parties. It is the Zilla Parishad who has taken decision over construction of the building at a particular site. The Zilla Parishad is competent to take that decision and grant administrative and technical sanction. The work has already reached up to the lintel level.

6. Considering all these aspects of the matter, we are not inclined to entertain the writ petition.

7. The writ petition accordingly stands dismissed. No costs.

**[A. M. DHAVAL, J.]**  
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**[S. V. GANGAPURWALA, J.]**