

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8832 OF 2013

Kiran Baburao Sajane.

..Petitioner.

Versus

The District Collector, Kolhapur and Others. ..Respondents.

Mr. Sushil Inamdar i/b Vijay Killedar for the Petitioner.

Mrs. M. P. Thakur, AGP for the Respondent-State.

Mr. U. P. Warunjikar for Respondent No. 3.

Coram : Ranjit More &
A. M. Badar, JJ.

Date : **April 26, 2018.**

P. C. :

1. Heard learned Counsel appearing for the respective parties. Perused the petition and the replies filed by the government as well as by the gram-panchayat. The petition is filed for following reliefs :

“b] this Hon'ble Court be pleased to issue writ of mandamus or any other writ, order or direction in the nature of writ of mandamus and thereby be pleased to direct Respondent No.1 to take appropriate action in respect of the illegal construction carried out by Respondent No.3 over the land bearing Block No. 289 situated at Village Agar, Tal. Shirol, Dist. Kolhapur and after demolishing the structures standing in the said land, Respondent No.1 may be further directed to make the internal roads as shown in the sanctioned lay out plan pertaining to the said land, available to the public at large.

B1] this Hon'ble High Court be pleased to issue writ of certiorari or any other writ order or direction in the

nature of writ of certiorari and thereby be pleased to quash and set aside the order dated 17.2.2011 annexed by the Petitioner at Exhibit-C [page 151] to the affidavit of rejoinder dated 26.11.2014.

d] In the alternative, this Hon'ble Court be pleased to direct Respondent No.1 to decide the complaint application dated 16.4.2013 annexed at Exhibit- to the above mentioned writ petition."

2. So far as the relief claimed in prayer clause (b) is concerned, Residential Naib Tahsildar, Shirol has filed an affidavit and in paragraph 4 has stated that gram panchayat is the Competent Authority to grant necessary permission for carrying out construction on the subject land in accordance with the layout sanctioned by Collector.

3. On behalf grampanchayat Agar, one Shri. Chandrakant M. Kemble, gram-sevak has filed an affidavit dated 22nd May 2015. It is specific stand of the grampanchayat that construction is made by Respondent No.3 in accordance with the permission granted by the grampanchayat. There is no rejoinder filed by the Petitioner to this affidavit.

. In the light of above, relief sought in prayer clause (b) cannot be granted.

4. So far as the relief claimed in prayer clause (b1) is

concerned, the Petitioner is challenging the NA permission granted to Respondent No.3 in the year 2011. It is pertinent to note that the construction was carried out after the NA permission was granted in accordance with law. Be that as it may, if the Petitioner is still aggrieved by the grant of NA permission to Respondent No. 3, he has an alternative remedy of appeal under the provisions of Maharashtra Land Revenue Code, 1966. We are, therefore, not inclined to grant this prayer.

5. So far as the relief claimed in prayer clause (d) is concerned, we are not inclined to entertain the same in view of the rejection of reliefs claimed in prayer clauses (b) and (b1). The petition is devoid of merit and the same is therefore dismissed.

[A. M. BADAR, J.]

[RANJIT MORE, J.]