

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12208 OF 2018

The Grampanchayat of Kasarwadi & others. ... Petitioners.

V/s.

The State of Maharashtra and others. ... Respondents.

None for the petitioners.

Mr.P.G.Sawant, AGP for the respondent-State.

CORAM : A.S.OKA AND M.S.SONAK, JJ.

DATE : 25th October 2018.

P.C.:

Not on board. Taken up on board.

2. As per the order dated 23rd October 2018, the petition was ordered to be listed today on production matter board. There is already a direction issued to the District Collector of Kolhapur by the State Government on 17th February 2017 (Exhibit-H) directing him to take a decision on the proposal of the petitioner- Village Panchayat for expansion/ extension of Gaothan. In fact, the Sub-Divisional Officer, Ichalkaranji by communication dated 4th April 2016 has already submitted the said proposal to the District Collector. Today, the learned AGP produced for the perusal of the Court a letter dated 26th September 2018 addressed by the Resident Deputy Collector, Kolhapur to the Sub-Divisional Officer, Ichalkaranji. In the said communication, it is

mentioned that after making a fresh enquiry and after considering the requirement of needy persons, a fresh proposal should be submitted. Perhaps there is non-application of mind by the Resident Deputy Collector. As per the directions of the State Government, the Collector was under an obligation to decide the proposal of the petitioners. Accordingly, we pass the following order:

- (i) We direct the Sub-Divisional Officer, Ichalkaranji to return the proposal to the District Collector which was forwarded to him along with dated 26th September 2018 which is taken on record and marked "X" for identification;
- (ii) We direct the District Collector to take a decision on the proposal submitted by the petitioners in terms of directions of the State Government dated 17th February 2017;
- (iii) The Collector shall take decision as expeditiously as possible and, in any event, within a period of two months from the date this order is uploaded on the server. Immediately after taking decision, the same shall be communicated to the petitioner;
- (iv) The petition is disposed of on the above terms.

(M.S.SONAK, J.)

(A.S.OKA, J.)