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

WRIT PETITION NO. 4249 OF 2019

Fulchand Babruwan Kurand
Age: 42 years, Occu.Agri
R/o Wakdi, Tq.Kallamb
District : Osmanabad

..PETITIONER

VERSUS

1. The State of Maharashtra
Through Principal Secretary
Rural Development Department,
Mantralaya- Mumbai-32
2. The Chief Executive Officer, Z.P.
Osmanabad, Tq.& District : Osmanabad,
Hingoli, Tq. & Dist. Hingoli.
3. The Block Development Officer,
Panchyat Samati Kallamb,
Tq.: Kallamb. District: Osmanabad
4. The Gramsevak / Surpanch
Grampanchayat Wakadi,
Tq.Kallamb, District Osmanabad

..RESPONDENTS

Mr S. G. Jadhavar, Advocate for Petitioner;
Mrs A. V. Gondhalekar, A.G.P. for respondents

**CORAM : PRASANNA B. VARALE
AND
NITIN W. SAMBRE, JJ.**

DATE : 2nd APRIL, 2019

ORAL ORDER:

The petitioner has approached this Court relying upon the

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Government Resolution dated 4th December, 2010 issued by the State Government in the light of provisions of Section 53 of the Maharashtra Village Panchayat Act, 1958 which deals with the encroachment made on the public street, village panchayat land or grazing land etc.

2. According to the petitioner, he has made a representation to the Village Panchayat, so also, Zilla Parishad requesting for removal of the encroachment, however, no action is initiated.

3. If the aforesaid submissions of the petitioner are appreciated, Section 53 sub section (2A) of the Village Panchayat Act, 1958 provides for alternate mechanism whereby the Collector of the district is vested with the authority to take appropriate steps and pass orders of removal of encroachment in case of failure of the Village Panchayat to act in accordance with sub section (1) of Section 53 of the said Act.

4. Admittedly, in the present petition, the petitioner has not approached the Collector in the light of Sub section (2A) of Section 53 of the said Act.

5. In the wake of the above, we dispose of this petition with liberty to the petitioner to approach the Collector, Osmanabad under Section 53 sub section (2A) of the Bombay Village Panchayat Act, 1958.

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6. We expect the Collector to deal with such representation moved by the petitioner on its own merits.

(**NITIN W. SAMBRE**)
JUDGE

(**PRASANNA B. VARALE**)
JUDGE

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