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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 68 OF 2018

Balaji Chandrakant Gawde

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

Mr. Prabhanjan Gujar for Petitioner.

Mr. M. M. Pabale, AGP for Respondent Nos.1, 2 and 4.

Mr. Vijay Killedar for Respondent No.3.

Mr. R. S. Kadam for Respondent No.6.

CORAM: PRADEEP NANDRAJOG, CJ. &
SMT. BHARATI DANGRE, J.

SEPTEMBER 09, 2019.

P.C.

1. Heard learned counsel for the parties.
2. In the Petition filed in Public Interest the petitioner wants the constructions on lands comprised in paragraph 5 of the Public Interest Petition to be demolished.

3. The response brings out the motive of the Petitioner is revenge. He wants as a candidate at the elections, 4 to 5 times, to be elected as a Member of Gram Panchayat. Each time he lost. The Petitioner is also an accused in two FIRs. The response brings out that way back in the year 2008, the then Gram Panchayat took a decision to lease out parcels of Gram Panchayat's lands to individuals and said persons were charged a rent. The allottees made the constructions. A fact which was in the knowledge of the Petitioner evidenced from Exhibit – V annexed with the Public Interest Petition for the reason in the PIL said resolution has been annexed and the same makes a reference to the allotments made in the year 2008.

4. Learned counsel for the Petitioner states that the Gram Panchayat can lease out its land for period not exceeding nine years and that too with the permission of the Chief Executive Officer as per the provisions of Section 55 of the Maharashtra Village Panchayats Act, 1959.

5. The response also brings out the fact that the allottees have approached a Civil Court and the issue currently awaits adjudication in R.C.S. No. 64 of 2018 pending in the court of Civil Judge, J.D., Karmala.

6. Since the issue between the allottees and the Gram Panchayat is being litigated in a Civil Suit, we refrain from passing any order in the Public Interest Petition, but would request the learned Civil Judge, J. D., Karmala to try and expeditiously decide R.C.S. No. 64 of 2018

7. The Public Interest Petition is disposed of accordingly.

SMT. BHARATI DANGRE, J.

CHIEF JUSTICE