

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8053 OF 2022

TUSHAR SUBHASH PHOPSE
VERSUS
DAULATABAD GRAM PANCHAYAT THROUGH GRAM SEVAK

Mr.Mohit S. Shah, Advocate for the petitioner.
Mr.S.N.Pahune Patil, Advocate for the respondent.

(CORAM : RAVINDRA V. GHUGE AND
ARUN R. PEDNEKER, JJ.)

DATE : AUGUST 5, 2022

PER COURT :

1. The petitioner has put forth prayer clause “C” as under :-

“C. The Hon’ble Court may be pleased to issue appropriate writ, order or directions to quash and set aside the notice dated 25.07.2022 issued by the respondent which is at Exhibit ‘E’.”

2. The contesting respondent, Grampanchayat, Daulatabad has filed an affidavit in reply on 04.08.2022 of Shri Akhtar Chand Patel, Gramsevak. It is set out in paragraph No.7 as under :-

7.In reply to para no.7 and 8 of the petition, I say and submit that, due to demand from local residents desiring to allot the land in dispute to local resident of Daulatabad there was pressure to cancel the allotment

and in furtherance of this the said notice was issued for cancellation of lease. However, the present petition was filed by the Grampanchayat through its Sarpanch and myself took legal advice from our advocate who have advised that when tender is issued by following due process, an eviction notice of such form is not tenable in law and therefore I say and submit that, taking the advice of our advocate we submit to the good conscience and judgment of this Hon'ble Court and pray that appropriate order may be passed in the interest of justice."

3. The learned Advocate for the petitioner submits that in the light of the statement made in paragraph No.7, reproduced above, the grievance of the petitioner is redressed and this petition is worked out.

4. In view of the above, this petition stands disposed off.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)