

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 WRIT PETITION NO.11942 OF 2022

SUDHAKAR DAMU SONAWANE THROUGH
HIS POWER OF ATTORNEY HOLDER PRAMOD NANA PATIL
VERSUS
THE STATE OF MAHARASHTRA THROUGH
ITS SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. S.S. Kulkarni h/f. Mr. Jadhav Yogesh H.
AGP for the respondent – State : Mrs. M.A. Deshpande
...

**CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.**

DATE : 30 NOVEMBER 2022

PC :

We have heard learned advocate Mr. Kulkarni for the petitioner.

2. The grievance of the petitioner is that in spite of the Collector having passed an order in a disqualification proceeding under section 14(j-3) of the Maharashtra Village Panchayat Act, 1959, dated 25-03-2022 wherein he even directed the alleged encroachment to be removed by resorting to section 53 of that Act, nothing has happened thereafter for removal of the encroachment.

3. True it is that the petitioner seems to be armed with an order purportedly passed by the Collector under section 53 of the Maharashtra Village Panchayat Act. However, going by scheme of

section 53, it is the primary duty of the panchayat concerned to act in accordance with the directions of the Collector. It is quite important to note that in the absence of any action / steps by the panchayat, by virtue of sub-section 2-A, the Collector *suo motu* or on an application made in this behalf, can take action as is provided in the provisions for removal of encroachment and to report to the Commissioner.

5. We notice that without even approaching the Collector, and bringing to his notice the powers vested in him under sub-section 2-A of section 53, the petitioner has directly approached this Court.

6. The writ petition is dismissed with liberty to the petitioner to approach the Collector.

[Y. G. KHOBRADE]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/