

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION STAMP NO. 14942 OF 2022

Tanaji Govind Kamble

...Petitioner

Versus

The State of Maharashtra & Ors

...Respondents

- Ms. Shraddha Pawar i/by Mr. Dilip Bodake, Advocate for the Petitioner.
- Mr. N. K. Rajpurohit, AGP, for the Respondent – State.

**CORAM : PRASANNA B. VARALE &
KISHORE C. SANT, JJ.**

DATE : JULY 19, 2022.

P. C. :

1. Matter is moved before this Court by way of a praceipe. In view of urgency, order is passed on praceipe itself.

2. Considering the limited grievance raised in the petition and the principal prayers in the petition namely (b) (i) and (b)(ii) what emerges for perusal of the material contingency is the grievance in the nature of non-action of the authority. The petitioner is resident of village Laxmi Takali, Taluka Pandharpur, District Solapur. The petitioner raised grievance against the encroachment carried out by certain persons in the area of Grampanchayat. It is also submitted that certain area was kept reserved for public purposes such as, providing the amenities to the resident of the

villages, due to the encroachment carried, the public at large and particularly the resident of the villages are deprived of these facilities is the submission.

3. The petitioner raised these issues to various authorities by filing representations, copy of such representations are placed on record. Perusal of the material placed on record shows that the petitioner submitted representation to the District Collector, Solapur on 09th August, 2016. It seems that the petitioner also submitted representation to the Chief Executive Officer, Zilla Parishad, Solapur. On receipt of the said representation, the Chief Executive Officer, Zilla Parishad, Solapur thought it fit to seek report from the sub-ordinate officers. Copy of the communication forwarded by the Chief Executive Officer is placed on record at Exhibit "M" page no. 105. It seems that the Chief Executive Officer preliminarily considered the complaint / representation and called upon the Block Development Officer and the Sarpanch of Village. Learned Counsel for the petitioner submitted that in spite of the waiting for considerable length of period, there is no further progress in the matter and though respondent authorities are duty bound to take appropriate steps and as these steps are not taken within considerable period, the petitioner has come before this Court.

4. Without observing anything on the merits of the

representations, considering the grievance that there is no further progress in the matter. The petitioner is justified in submitting before this Court that it is reasonable expectation of the residents of the village that the authorities would take appropriate action within reasonable period, we deem it appropriate to direct the Respondent No. 5, as this directions may not cause any prejudice to the respondents – Chief Executive Officer, to take steps expeditiously and then to pass appropriate orders. The requirements of issuance of notice to the respondents is dispensed with.

5. Accordingly, the Respondent No. 5 – Chief Executive Officer is directed to consider the issue particularly on the backdrop of his own communication dated 07th October, 2020 and to pass appropriate orders.

6. Needless to state that if the Respondent No. 5 deem it appropriate, he may offer an opportunity of hearing to the concerned parties so as to follow the principles of natural justice. Respondent No. 5 – Chief Executive Officer as such to pass appropriate order as expeditiously as possible and not later than six (06) weeks from the date of receipt of the order of this Court.

7. All concerned shall act upon a copy of this order which is duly authenticated by the Registry of this Court.

(KISHORE C. SANT, J.)

(PRASANNA B. VARALE, J.)