

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

WRIT PETITION NO.9985 OF 2022

Dattatray Balasaheb Kadam

.. Petitioner

Vs.

The State of Maharashtra,

Through the Principal Secretary,

Revenue and Forest Department and Anr.

.. Respondents

Mr. Sachin B. Thorat for the Petitioner.

Mr. S.L. Babar, AGP for the Respondents-State.

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

DATE : 19TH AUGUST, 2022.

P.C. :

1. Mentioned. Not on board. Upon mentioning, taken on board.
2. Considering a very limited grievance raised in the petition, when petition is taken up for hearing and disposal at the admission stage, the counsel for the petitioner submits before this court that the petitioner is resident of Village Khandali, Taluka Mohol, District Solapur and the elections of the Grampanchayat, Khandali, Tal. Mohol, Dist. Solapur were held in the year 2020-21. The election results were declared on 18th January 2021. The members were elected and out of these members, the members, namely, Satish Mule, Nitin Mule, Kisan Lohar, Sujata Aasbe and Varsha Shirsagar have indulged into act of encroachment over a public street. This act by the

members calls for their disqualification as per the provisions of Maharashtra Village Panchayat Act, 1959.

3. The petitioner, along with some other villagers, submitted an application to the competent authority i.e. respondent no.2-District Collector of Solapur under Section 14(1)(j-3)(h) (g) and Section 16 of the Maharashtra Village Panchayat Act. The petitioner and the other applicants have placed on record necessary documents in support of their contentions in the application. The copy of the application submitted to the Collector along with the list of the documents is placed on record at Exhibit-A to the petition. It is further submitted by learned counsel for the petitioner that Maharashtra Village Panchayat Act specifies a stipulation of period for the competent authority to decide the application. The petitioner and other applicants were expecting an early decision or at-least a decision within the stipulated period, but for the surprise of the petitioner and the other applicants, even though the application was accepted by the office of the competent authority on 8th March 2021, there was no progress in the matter for a considerable period. The petitioner as such left with no choice but to approach this court by filing the present petition seeking direction to the competent authority to decide the application.

4. This being the grievance and the petitioner and the other applicants were justified in expecting an early decision or a decision within the stipulated period on the application submitted to respondent no.2, we deem it

appropriate to dispose of the petition with a direction to the respondent no.2 to decide the application submitted by the petitioner and the other applicants and accepted by the office of the respondent no.2 on 8th March 2021 as expeditiously as possible and not later than twelve weeks from the date of receipt of the order of this court, if the application is not already decided.

5. With the aforesaid directions, the petition is disposed of.

6. Parties to act on the authenticated copy of this order being issued by the registry.

[KISHORE C. SANT, J.]

[PRASANNA B. VARALE, J.]