

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9884 OF 2019

Group Grampanchayat Savad,
Bhiwandi through
Shri. Ganesh Gadlya Patil,
Etade, Bhiwandi Petitioner

Versus

The State of Maharashtra & Anr. Respondents

- None for the petitioner .
- Ms. M.S. Bane, AGP for the Respondent No.1

**CORAM : PRASANNA B. VARALE &
SHRIKANT D. KULKARNI, JJ.**

DATE : JUNE 16, 2022.

P.C. :

1. None for the petitioner.
2. Present petition is filed at the instance of Group Grampanchayat Savad-Bhiwandi, through one Ganesh Patil, Gramsabha Savat of Village Etade challenging the Government Resolution dated 30th July, 2019. Perusal of the copy of the said Government Notification dated 30th July, 2019 placed on record at Exhibit "D" shows that the State Government by exercising its power under Maharashtra Village Panchayats Act decided to divide the said Grampanchayat in two Village Panchayats namely, Village Panchayat Savad and Village Panchayat Kiravali tarfe

sonale. Accordingly, the notification also refers to the distribution of the revenue villages. The petition was initially dismissed for non prosecution and subsequently the same was restored.

3. The Respondent No. 1 – State of Maharashtra filed affidavit-in-reply through the Deputy Chief Executive Officer, Zilla Parishad, Thane, Respondent No. 2 – Block Development Officer, Panchayat Samiti, Bhiwandi has also filed affidavit-in-reply by way of written submissions. Certain factual aspects are brought on record. The written submissions refer to compliance of requisite formalities such as conducting Gram Sabha on 29th May, 2018. It is also submitted in the written submissions that the petitioner Shri. Ganesh Patil himself was present in the said meeting dated 29th May, 2018. In the said meeting, No Objection was raised by the petitioner. It is further submitted in the written submissions that the subject of bifurcation of Group Grampanchayat was sanctioned in the meeting and the meeting was attended by the 105 voters from all four revenue villages. It is further stated in the written submissions that even the elections of Members and Sarpanch were conducted on 09th January, 2020. The election of the new Grampanchayat Members and Sarpanch was declared on 09th January, 2020 and on 10th February, 2020 Village Savat elected 09 members and 1 Sarpanch for its Village Panchayat. Village Kiravali tarfe sonale elected 9 members and 1 Sarpanch for its Village

Panchayat. It is further stated in the written submissions that even, at the stage of election when the election programme was declared, No Objection was raised till completion of the final election process, and now, both the Grampanchayats are running smoothly with newly elected Sarpanch and members. These written submissions on behalf of Respondent Nos. 1 and 2 was tendered in Court on 03rd February, 2022. Along with written submissions, a chart is placed on record in tabular form giving the details of population of these villages, number of voters as well as other details. Till date, no-counter reply filed by the petitioner denying these factual aspects placed on record by way of written submissions. Along with affidavit-in-reply filed on behalf of Respondent No. 1 – State Government, the guidelines framed by the State Government dated 12th February, 2004 and subsequently the revised guidelines dated 02nd September, 2006 are placed on record. The documents do show that all these necessary formalities of these notifications are complied with. The copy of the proposal dated 16th January, 2019 forwarded by the Divisional Commissioner, Kokan Division, Navi Mumbai to the Secretary, Rural Development Department with the opinion of the Chief Executive Officer, Zilla Parishad, as well as the opinion of the Divisional Commissioner supporting the proposal bifurcation of Village Panchayat is annexed to the affidavit-in-reply at Exhibit “B” page no. 63.

4. Considering the above referred factual aspects, we are of the opinion that petition is devoid of merits and accordingly, the writ petition is dismissed.

5. In view of this dismissal of petition, no separate order is required to be passed in the interim application and the same is accordingly, dismissed.

(SHRIKANT D. KULKARNI, J.)

(PRASANNA B. VARALE, J.)