

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 WRIT PETITION NO.1858 OF 2023

GRAMPANCHAYAT PETHWADAJ THROUGH ITS SARPANCH
ANITA DATTA GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

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Advocate for Petitioner : Mr. Sachin S. Deshmukh
AGP for Respondents 1 to 7- State: Mr. V. M. Kagne
Advocate for Respondent No.8: Mr. S. B. Pulkundwar

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.

DATE : 11th August, 2023

ORDER:

1. The issue is as regards removal of encroachment. The Petitioner before us is the Grampanchayat which claims to have taken the initiative to remove encroachments on the Government Land. The learned Government Pleader submits that notices to 21 establishments belonging to the Petitioner- Grampanchayat have been issued since there are encroachments. The Grampanchayat should put its house in order first and then seek orders from this Court for removal of encroachment of others.

2. The learned counsel for the Petitioner Grampanchayat submits that there cannot be any excuses against encroachment or selective removal of encroachment. The Grampanchayat requests

assistance of the District Collector Nanded, Tahsildar Kandhar, Superintendent of Police Nanded and Police Inspector Kandhar so as to maintain law and order while embarking on removal of encroachments.

3. In view of the above, **this petition is disposed off** with the following directions to the Petitioner :-

a) to immediately make a written request to Respondent Nos. 2, 4, 6 and 7 and list out all encroachments including encroachments purportedly made by the Grampanchayat with regard to which 21 notices have been issued to the Grampanchayat by the PWD.

b) Let such request letters be tendered to these authorities within 15 days from today.

c) Thereafter, these authorities would follow the due procedure laid down in law and by adopting steps as are permissible, render assistance to the Petitioner for removal of encroachments.

d) The Petitioner shall follow the due procedure laid down in law and afford reasonable opportunity to all the stakeholders while removing the encroachments, preferably within a period of 90 days.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan