

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

901 WRIT PETITION NO.8872 OF 2016

GRAMPANCHAYAT AMODE
THROUGH ITS GRAMSEVAK AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner:
Mr. P. R. Katneshwarkar
AGP for Respondent/State: Mr. K. N. Lokhande
Advocate for Respondent No.6:
Mr. Bhandari Anand P.

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CORAM: ARUN R. PEDNEKER, J.

DATE: 31st JANUARY, 2023

PER COURT:

1. Heard.

2. The present writ petition challenges the non-agricultural (N.A.) permission granted to respondent no.6.

3. It is the contention of the petitioners that the land of respondent no.6 is required for the extension of the gaathan area of the village Amode and that N.A. permission should not be granted to respondent no.6. Petitioner No.2 challenged the grant of N.A. permission to respondent no.6, before this court in Writ Petition No.10698 of 2010, wherein this court

after hearing the parties passed the following order dated 21.06.2011:-

"1. Learned counsel for the petitioner, on instructions from the petitioner, who is present in the Court, submits that the petitioner desires to approach the concerned authority requesting them to initiate acquisition proceeding in respect of the lands involved in the Writ Petition and, therefore, he prays for withdrawal of the Writ Petition

2. Writ Petition is disposed of as withdrawn.

3. Amount deposited by the petitioner in pursuance of the order dated 11.1.2011 is allowed to be withdrawn within a period of four weeks from today."

4. From the aforesaid order, it is clear that the petitioners are permitted to approach the authority concerned to initiate acquisition proceedings of the land involved in the writ petition. However, till date the acquisition has not taken place of the land of respondent no.6. The petitioners are again challenging the order passed by the Hon'ble Minister dismissing the Revision Petition challenging the N.A. permission granted to respondent no.6.

5. The land of respondent no.6 cannot be forever held up for the purpose of alleged utility of the villagers.

6. The N.A. permission granted to respondent no.6 and the order passed by the Hon'ble Minister upholding the N.A. permission granted to the respondent no.6 is upheld. However, this will not come in the way of the Gramsabha making the proposal to the State to acquire the land of respondent no.6.

7. However, there can be no restriction on the usage of the land in accordance with law, by respondent no.6, until the said land is acquired by following due process of law.

8. With the above observations, this Writ Petition is disposed of.

[ARUN R. PEDNEKER, J.]

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