

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No. 31 of 2020

Bhagwan Rukhamaji Vaidya and others

Vs.

Divisional Commissioner, Amravati Division and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. P. S. Patil, counsel for the Petitioners.

Mr. D.P.Thakre, Addl.G.P.for respondent Nos.1, 5 and 6.

CORAM : ANIL S. KILOR, J.

DATED : 10.01.2023.

P.C.

Heard the learned counsel appearing for the
respective parties.

2. By way of present petition, the petitioners are challenging the order dated 30/09/2019, passed by respondent No.1-Divisional Commissioner, Amravati Division, Amravati, dismissing the appeal and confirming the notices dated 18/05/2019 and 27/05/2019, issued to the petitioners under section 53(3) of the Maharashtra Village Panchayats Act, 1958 for removal of encroachment.

3. In the appeal memo, the petitioners have admitted that they have encroached the land, however, it is the stand of the petitioners that for removal of such encroachment, notice by the Collector is necessary. However, nothing has been pointed out from the provisions of Maharashtra Village Panchayts Act that the Collector shall issue notice for removal of encroachment made within the limits of gram panchayat area.

4. Whereas, the power for removal of encroachment under section 53 of the Maharashtra Village Panchayts Act is vested with the gram panchayat and that has rightly been exercised by the gram panchayat by issuing notices.

5. In the circumstances, as there is no dispute about the encroachment and the recent report of respondent No.5-Naib Tahsildar submitted to respondent No.6-Sub-Divisional Officer, which reveals the fact of encroachment, I do not find any error committed by respondent No.1-Divisional Commissioner in dismissing the appeal. Accordingly, the writ petition is dismissed. No order as to costs.