

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 128 OF 2016

Khashaba Dhondiba Thombare ... Petitioner

Versus

District Collector, Satara & Ors. ... Respondents

Mr. Rushikesh Barge for the Petitioner.

Ms. T.J. Kapre, A.G.P. for the Respondent-State.

Mr. N.G. Kamble i/b. Dr. Uday Warunjikar for Respondent Nos.5, 6, 9 & 10-Z.P. Satara.

Mr. Pankaj Deokar for Respondent Nos.7 & 8-Gram Panchayat.

Coram : M. S. Karnik &
Sharmila U. Deshmukh, JJ.

Date : 9th October 2025.

P. C. :

1. Heard learned counsel for the parties.
2. We have perused the Affidavit filed by Ms. Surekha Tulshiram Mane, Tahsildar, Maan (Dahiwadi), District Satara. In para Nos.2 to 6 of the Affidavit it is stated thus :

“2. I say that by this present Petition, the Petitioner is seeking directions to respondent authority to take appropriate action

removing all admitted illegal constructions encroachment of the area of Gram Panchayat of Shinganapur village.

I say and submit that the land on which encroachment has been made by the villagers and other persons at village Shinganapur is owned by Gram Panchayat Shinganapur. There is also gairan land which is also in possession of Gram Panchayat Shinganapur and there is encroachment as alleged by the present Petitioner. After receiving complaint filed by the present Petitioner, the Tahsildar Maan Dahiwadi by its order dated 20.1.2016 directed Block Development Officer, Panchayat Samittee Maan to remove the unauthorized constructions made on the Gram Panchayat land. It was also pointed out that as per Government Resolution dated 12.7.2011 it is responsibility of the concern Gram Panchayat to remove unauthorized constructions made on the Gram panchayat land and file FIR against the encroachers. Hereto annexed and marked as Exhibit 1 is copy of the letter dated 20.1.2016. I say and submit that thereafter, again Sub Divisional Officer, Maan Khatav, Dahiwadi Sub Division by its order dated 4.3.2016 directed Tahsildar, Maan (Dahiwadi) and Block Development Officer Panchayat Samittee Maan (Dahiwadi) to look into the issue and enquire in the matter as per allegation made on 29.2.2016. I further say and submit that since the land belongs to and in possession of Gram Panchayat Shinganapur, the Block Development Officer, Maan Dahiwadi by its letter dated 16.2.2016 directed Gram Vikas Adhikari / Gram Sevak, Gram Panchayat Shinganapur to take appropriate action and submit its written report to its

office. Hereto annexed and marked Exhibit 2 is copy of the letter dated 16.2.2016.

3. I further say and submit that thereafter, on 14.3.2016 again Deputy Chief Executive Officer, Zilha Parishad, Satara by its letter directed Block Development Officer, Panchayat Samittee, Maan to take appropriate action in respect of complaint dated 15.2.2016 filed with Collector Satara by this present Petitioner. Hereto annexed and marked as Exhibit 3 is copy of the letter dated 14.3.2016.

4. I further say and submit that again on 6.6.2017 Tahsildar, Maan (Dahiwadi) by order directed Block Development Officer, Panchayat Samittee, Maan to submit its report in respect of action taken as per earlier orders passed by Sub Divisional Officer, Maan Khatav and Tahsil office, Maan (Dahiwadi). In the said order the Tahsildar, Maan referred earlier letters and orders and also the Government Resolution dated 12.7.2011 and 13.10.2013. Hereto annexed and marked Exhibit 4 is copy of the order dated 6.6.2017.

5. I say and submit that, it is case of the present Petitioner that there is encroachment on the road going to the Shambhu Mahadev Temple. There is illegal construction to both sides of the road opposite to S.T Stand Shinganapur. The said road is in possession of Deputy Engineer, Zilha Parishad, Satara.

6. Considering the above said facts and circumstances of the case. it is responsibility of the concerned Gram Panchayat to remove unauthorised constructions if it is made on the Gram Panchayat land and if the concerned Gram Panchayat is not

taking action then the Block Development Officer is the superior officer who can take action and remove unauthorized constructions/encroachment. I say and submit that if the Gram Panchayat and or the concerned Block Development Officer demanded police force to remove the encroachment then our office will take appropriate steps to provide them police force if necessary.”

3. It is therefore incumbent on the part of the Gram Panchayat to take action against the unauthorized constructions made on Gram Panchayat land.

4. Learned counsel for the Respondent Nos.7 & 8 -Gram Panchayat submits that Affidavit has been filed on behalf of the Respondent Nos.7 & 8. In the Affidavit, it is stated that the Gram Panchayat is bound to take action against the illegal constructions and encroachments. In para No.8 it is stated thus :

“8. I say that the grievance of the Petitioner in the present petition is illegal and encroachment upon the road in village. I say that various constructions which are on site are very old. I say that upon the complaints of the villagers and other persons we have taken the appropriate steps in respect to remove the said illegal constructions and encroachments. I say that for various illegal constructions and encroachments we have given the proper notices of hearing as required under the law. I will

crave leave to refer and rely upon those notices as and when necessary. I say that after receipts of said notice various encroachers have removed their structure by their own costs. I say that we have also removed various encroached structure by using power of statute and taking the help of police machineries and some encroachers have approached to the Civil Court by filing the suit and taken the ad-interim reliefs against the action of demolition of illegal constructions and encroachments. I say that for the said reason there is delay in removing the illegal constructions and encroachments.”

5. It is stated that the Gram Panchayat is taking action for removing the illegal constructions and encroachments. Infact it is admitted that there is illegal construction and encroachments by many villagers. In the Affidavit it is stated that the land occupied by the encroachers belongs to Zilla Parishad, Forest Department, Electricity Department and Shri Shambhu Mahadev Devasthan Temple.

6. Considering the stand of the Gram Panchayat, it would be necessary for the Chief Executive Officer, Zilla Parishad to look into the matter and issue appropriate directions for removal of the unauthorized encroachments. The Chief Executive Officer shall ensure that the unauthorized encroachments, which are coming within the jurisdiction of the Zilla Parishad shall be removed and action is taken against them so far as the land of the Zilla Parishad as well as the Gram Panchayat is

concerned and continue to take action against the unauthorized constructions, in accordance with law.

7. It is open for the Petitioners to point out the remaining illegal structures in respect of which no action has been taken. Upon receipt of the representation and after satisfying that the structures are illegal, the concerned Authority to follow the due procedure of law. We expect from the Zilla Parishad and the Gram Panchayat to take immediate action for demolishing all the illegal structures within a period of 12 weeks from the date of receipt of the representation.

8. Needless to mention that the demolition shall be carried out in accordance with law, after holding necessary inquiry and after giving appropriate opportunity to the concerned.

9. PIL Petition is disposed of in aforesaid terms.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik, J.]

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KUMBHAKARN

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by OMKAR
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