

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

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15097 OF 2024

Uttam Tukaram Powar

... Petitioner

Versus

State of Maharashtra & Ors.

... Respondents

Mr. Raju Suryawanshi a/w Mr. Rakesh Patil (Through VC) for the Petitioner.

Mr. R. P. Kadam, 'B' Panel Counsel, AGP for the Respondent-State.

Mr. Drupad Patil for Respondent Nos. 5 and 6.

Mr. Dheeraj Patil, for Respondent Nos. 7 to 14.

**Coram : M. S. Karnik &
Ajit B. Kadethankar, JJ.**

Date : December 19, 2025.

P. C. :

1. Heard learned Counsel for the Petitioner.
2. Mr. Suryawanshi, learned Counsel for the Petitioner, placed on record a copy of the notice dated 15th December 2025, issued by the Gram Panchayat, Adur, for demolition of the structure which, according to the Gram Panchayat, is an encroachment.
3. Learned Counsel for the Petitioner submitted that the structure is residential house belonging to the Petitioner.

4. It is submitted that the action against the structure has been taken without following the due procedure established by law. It is further submitted that no opportunity of hearing was given before issuance of the notice dated 15th December 2025.

5. We have gone through the memo of the Petition. The Petitioner, in the present Petition, has challenged the notice dated 7th April 2022 issued by Respondent No. 5. The action which has been taken is pursuant to the said notice dated 7th April 2022. It is pointed out by Mr. Dhruvad Patil that the Petitioner had earlier filed Writ Petition No. 16693 of 2023 before the Principal Seat, and by order dated 14th February 2025, this Court held that the action taken by the Respondent–Gram Panchayat was well within its powers under the provisions of the said Act, and no fault could be found with the said action. Accordingly, the Writ Petition was dismissed. The said Writ Petition was filed against the order below Exhibit-5 passed by the Trial Court, whereby the Trial Court refused to grant any injunction in favour of the Petitioner. The Petitioner had approached the Trial Court by filing a Regular Civil Suit.

6. We therefore do not find any merit in the submissions of the learned Counsel for the Petitioner as the issue raised in this Petition has subject matter of a suit.

7. It is contended that the Gram Panchayat has selectively taken action against the Petitioner, while no action has been taken against other similar structures. Mr. Dhrupad Patil, on instructions, submitted that action has been taken against all unauthorized structures. We record the assurance of Mr. Dhrupad Patil that similar action has been taken against all structures which are encroachments and that the same will be taken to its logical conclusion. In view thereof, nothing survives for consideration in the present Petition.

8. Writ Petition is disposed of.

9. The Respondent-Corporation not to proceed against the Petitioner for a period of eight weeks from today, if the Petitioner voluntarily removes the structure. If the structure is not removed within the said period, the Respondents shall be at liberty to implement the notice.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]

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