

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1837 OF 2025

Gram Panchayat, Manegaon,

Tal. Sinnar, Dist. Nashik and Ors.

.. Petitioners

Vs.

The State of Maharashtra,

Through Department of Rural & Revenue

Department and Ors.

.. Respondents

Mr. Pramod N. Joshi, Advocate for the Petitioners.

Mr. P.G. Sawant, Assistant Government Pleader for Respondent Nos.1, 3 and 4.

Mr. Ravindra S. Pachundkar, Advocate for Respondent No.2.

Mr. Nirav Shah, Advocate, i/by Little & Co., for Respondent No.5.

**CORAM : A.S. CHANDURKAR &
M.M. SATHAYE, JJ**

DATE : 13TH FEBRUARY 2025.

PC. :

1. The learned counsel for the petitioners has tendered draft amendment. The same is allowed. It be carried out by 17th February 2025.

2. By this writ petition Gram Panchayat, Manegaon as well as its Gram Sabha seek to raise a challenge to the order dated 26th June 2023 that has been issued by the Additional Collector, Nashik in exercise of powers conferred under the Maharashtra Land Revenue (Disposal of Government

Lands) Rules, 1971. By the said order, Gat No.507 situated at Manegaon, Taluka Sinnar was proposed to be utilized for implementation of a Solar Project pursuant to the initiatives of the State Government. The Revenue Records insofar as Gat No.507 is concerned admeasuring 29.99 acres stand in the name of the State Government as per the affidavit-in-reply filed by respondent nos.1, 3 and 4. On 23rd September 2023, the respondent no.5 through its Deputy Executive Engineer issued a communication to the petitioners stating therein that initially land from Gat No.507 to the extent of 29.99 acres was being utilized for the Solar Project. However, that land was found to be insufficient and hence 47 acres of land from adjoining Gat No.506 was demanded. By passing a Resolution on 9th December 2024, the Gram Panchayat, Manegaon has opposed this proposal. Consequently, on 31st December 2024, the Rural Development Department of the State Government issued a communication to Chief Executive Officers of all Zilla Parishads in the State of Maharashtra that No Objection Certificate of Gram Panchayats would not be necessary while implementing the Solar Project by the State Government. It is in this backdrop that the petitioners have approached this Court by filing the present writ petition.

3. One of the contentions urged by the learned counsel for the petitioners is that under Section 8AA of the Maharashtra Village

Panchayats Act, 1958, every Gram Sabha is entitled to convey its views to the Gram Panchayats before any decision is taken on any proposal for acquisition of any land falling within the jurisdiction of the Gram Panchayats for Government use. Though land from Gat No.507 was initially taken up for Solar Project, the land forming part of Gat No.506 was demanded. The land forming Gat No.506 is stated to be gur-charan (gai-ran) land as recorded in the Revenue Records. Disregarding the consent of the Gram Panchayat, objection of the Gram Sabha and by dispensing with its No Objection, steps for taking possession of Gat No.506 are being initiated.

4. Issue notice to the respondents, returnable on 13th March 2025. Mr. P.G. Sawant, learned Assistant Government Pleader waives notice for respondent nos.1, 3 and 4. Mr. Ravindra Pachundkar, learned counsel waives notice for respondent no.2. Mr. Nirav Shah, learned counsel waives notice for respondent no.5.

5. Prima facie, considering the fact that initially land from Gat No.507 was sought to be utilized for Solar Project and there is now a need for additional land from Gat No.506, which is shown to be gur-charan (gai-ran) land, the consent of the petitioners would be relevant. The power exercised while issuing the communication dated 31st December 2024 by the Rural Development Department and dispensing with obtaining No

Objection from the concerned Gram Panchayat would also be required to be examined. Since a prima facie case is made out, the position as prevailing today in respect of Gat No.506 shall be maintained until further orders.

6. Parties to act on authenticated copy of this order.

[M.M. SATHAYE, J.]

[A.S. CHANDURKAR, J.]