

Satish Sangar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4604 OF 2025

SATISH
RAMCHANDRA
SANGAR

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SATISH RAMCHANDRA
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Date: 2025.12.05
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1. **Shri.Rajendra Damodar Bidwai**
Age : 56 Years, Occupation : Agriculture.
2. **Shri.Sanjay Ramdas Dhekane**
Age : 51 Years, occupation : Agriculture.
3. **Shri.Shankar Laxman Tamhane**
Age : 75 Years, Occupation : Agriculture.
4. **Shri.Bhagwan Nana Hande**
Age : 75 Years, Occupation : Agriculture.
5. **Shri.Sadashiv Shankar Tamhane**
Age : 64 Years, Occupation : Agriculture.
6. **Shri.Ganesh Kisan Lokhande**
Age : 55 Years, Occupation : Agriculture.
7. **Shri.Arvind Chandrakant Bidwai**
Age : 44 Years, Occupation : Agriculture.
8. **Sau.Pallavi Onkar Wani**
Age : 31 Years, Occupation : Housewife and
Agriculture.
9. **Shri.Rohidas Murlidhar Bidwai**
Age : 58 Years, Occupation : Agriculture.

All Residents of village Golegaon,
Taluka : Junnar, District : Pune.

...Petitioners

Versus

1. **State of Maharashtra**
Through Principal Secretary,
Rural Development Department,
Mantralaya, Mumbai : 400 032.

2. **Collector – Pune,**
Collector Office, Pune : 411 001.
3. **Sub Divisional Officer Junnar – Ambegaon,**
Sub-Division Manchar, Pune,
Taluka : Ambegaon, District : Pune.
4. **Tahasildar – Junnar,**
Taluka Junnar, District : Pune.
5. **Grampanchayat Golegaon,**
Through its Sarpanch – Village Golegaon,
Taluka : Junnar, District : Pune.

...Respondents

Mr.Uday B. Nighot, Advocate for Petitioners.

Mr.A.I.Patel, Addl.G.P a/w **Mr.A.A.Alaspurkar, AGP,** for Respondent
Nos.1 to 4 – State.

**CORAM: SUMAN SHYAM &
S. M. MODAK, JJ.**

DATED: 12th NOVEMBER 2025.

ORAL JUDGMENT : (PER : S. M. MODAK, J.)

1. Heard learned Advocate for the Petitioners / residents of Village – Golegaon and learned Addl.G.P for Respondent Nos.1 to 4.

2. There is a challenge to the validity of Preliminary Notification dated 18th December 2024 issued by the Respondent No.2 – Collector, Pune. By the said Notification, the Collector has removed certain area of Village – Golegaon, Taluka : Junnar and he has suggested establishment of separate village by name ‘*Ashtavinayak Lenyadri*’. While issuing the said Notification, he has taken recourse to the provisions of Section 4 of the Maharashtra

Land Revenue Code, 1966 (In short, the “**MLR Code, 1966**”, for the sake of convenience only).

3. The Petitioners objects to the bifurcation on two grounds. First, on merits, it is not suitable and second, on the ground of non-compliance of the provisions of Section 4 of the Code relating to publication of the Preliminary Notification. Learned Advocate for the Petitioners relied upon the observations in case of ***Prashant Babusaheb Ghiramkar V/s. State of Maharashtra and others***¹. His principal contention is that the Notification bears the date as 18th December 2024 but in fact it was published on 6th January 2025. The publication in this case was by way of pasting on the notice board of Talathi Office and Grampanchayat Office. When the Petitioners came to know of the proposed decision, they objected to it vide their letter dated 29th January 2025. They have even filed an Application for condonation of delay in filing their objection. Their contention is as follows:-

- (a) A letter by Tahsildar – Junnar to the Revenue Authorities for publication is dated 3rd January 2025.
- (b) Gram Sabha was conducted on 12th January 2025 and decision was taken to raise objection.
- (c) The 30 days’ period will start on 3rd January 2025 and will end on 3rd February 2025.

1 2013(6) Mh.L.J.703

- (d) Accordingly, they were under assumption that the objection taken on 27th January 2025 is within time.
- (e) However, they were told that the period of 30 days is over on 18th January 2025 and the time was computed from 18th December 2024 i.e. the date appearing on the Preliminary Notification.
- (f) That is why they filed delay condonation Application. However, it was rejected and communicated to them by the Tahsildar vide letter dated 7th March 2025. He has considered the date as 18th December 2025.

4. On this background, a submission is made that the period will start from 3rd January 2025 and not from 18th December 2024.

5. Learned Addl.G.P has refuted this contention by way of Affidavit and submitted that the date of Notification is relevant. According to him, the objection has been rightly rejected for not being within time and submitted that there is no vested right in the Petitioners. He has also submitted that the Final Notification is also published on 2nd April 2025 and now a separate village '*Ashtavinayak Lenyadri*' is also established and even the Office has started functioning.

6. We have gone through the observations in case of ***Prashant Babusaheb Ghiramkar*** (cited supra). In that case, a different issue was involved. The Government had taken a decision to establish a separate Sub-division of Pune District consisting of Purandar and Daund Talukas. The Headquarter was proposed at Purandar.

However, it was opposed by the residents of Daund Taluka. When the Final Notification was issued, instead of Purandar, Headquarter was established at Pune. That is why, there was challenge to the said decision. The Division Bench accepted it and held that:-

“There cannot be any change in the decision suggested in the Preliminary Notification and the villagers cannot be put to surprise without affording them right of hearing.”

Those facts are different from the facts of this case. However, it is observed that:-

“Notice and opportunity should be effective. The procedure is mandatory and substantial compliance thereof must be shown” (paragraph No.11).

7. The provisions of Section 4 of MLR Code, 1966 and Section 24 of the Maharashtra General Clauses Act, 1904 (In short, “**the MGCA**”) [Act No.I of 1904] are relevant. There will be presumption about the Notification as per Section 24 of the MCGA. It is a fact that separate offices for two Grampanchayats have been established. They have started functioning. This is not disputed. So the issue is whether the machinery which is created as per the Notification whether can be disturbed merely on the ground of the submission about *“rejecting the objection to the Preliminary Notification on the ground of delay”*. We propose that the rights of both the parties will be protected by observing that the officers

should hear the objectors again and may take a fresh decision. If such directions are given, it will serve the two purposes. One, the objectors will get an opportunity to take objections and second, the machinery which is already created will not be set aside. We are inclined to take this decision only by considering the fact that separate offices are already established.

8. It is true, the objection was rejected simply on the ground of delay and the merits of the objection were not considered. Hence, we have not gone into the issue of the merits of the objection. Hence, following order:-

:- ORDER :-

- (i) The Writ Petition is allowed to the above extent.
- (ii) The Collector – Pune is directed to hear the Petitioners on the point of their objection for bifurcation and to take a fresh decision.
- (iii) It is made clear that the offices which are established as per the Final Notification are not disturbed but its continuance is made subject to the decision to be taken by Collector as directed above.
- (iv) The Collector is directed to fix a date of hearing and to issue notice to the Petitioners. It is made clear that this exercise should be done as expeditiously as possible.

9. With these observations, **the Writ Petition stands disposed of.**

(S. M. MODAK, J.)

(SUMAN SHYAM, J.)