

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6216 OF 2025

Krushnat Harishchandra Shitole

...Petitioner

Versus

The State Of Maharashtra & Ors.

...Respondents

Mr. Himanshu J. Patil i/b Suraj Chakor for Petitioner.

Mrs. M. P. Thakur, AGP for Respondent-State.

CORAM: G. S. KULKARNI &
ARIF S. DOCTOR, JJ.

DATE: 12th JUNE 2025

P.C.

1. This Petition filed under Article 226 of the Constitution of India prays for the only substantive relief which reads thus:

“A. That, this Honorable Court under its Civil Appellate extraordinary territorial jurisdiction under Article 226 and 227 of the Constitution of India, 1950, be please to issue a writ of Mandamus or any other appropriate Writ, Direction and Order and thus direct the Respondent No.2 Collector, Pune at Pune under Section 14(J-3) and 16(2) of the Maharashtra Village Panchayat Act, 1959, that the Application No. 08 of 2024 which is pending before it, filed by the petitioner to be decided expeditiously in any case within four weeks from the date of order passed by this Honorable Court.”

2. The grievance of the Petitioner is that an application was filed under Section 14 (j-3) and 16(2) of the Maharashtra Village Panchayat Act, 1959 praying that Respondent No. 5 be disqualified as he has encroached on Gram Panchayat land being Gat No. 8. According to the Petitioner, this is one of the grounds on which

Respondent No. 5 would be required to be disqualified from being a member of the Gram Panchayat.

3. Such application was filed by the Petitioner on 09.01.2024, which has remained pending and which ought to have decided within 60 days as per the provisions of law. However, almost for a period of more than 15 months, the same has not been decided. It is in these circumstances, the present Petition has been filed praying for the aforesaid reliefs. Ms. Thakur, learned AGP, would not dispute the contentions as urged on behalf of the Petitioner. She would also submit that the application as filed by the Petitioner under Section 14 (j-3) and 16(2) of the Maharashtra Village Panchayat Act, 1959 would be required to be decided and taken to the logical conclusion.

4. In the aforesaid circumstances, we are of the opinion that this petition can to be disposed of by directing District Collector, Pune, to decide the Petitioner's Application No. 8 of 2024 as expeditiously as possible, in accordance with law, and within the period of four weeks from the date a copy of this order is presented before him.

5. All the contentions of the parties on the pending proceedings are kept open.

6. Disposed of in the aforesaid terms. No costs.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)