

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7348 OF 2025

Mahadeo Kondiba Bhosale & Ors. ...Petitioners
Versus
The State of Maharashtra & Ors. ...Respondents

Mr. Dilip Bodake for the Petitioner.
Ms. M. P. Thakur, AGP for State – Respondent Nos.1 to 4 & 6 & 8.

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

DATE: 17 JUNE 2025

P.C.

1. We have heard Mr. Bodake, learned counsel for the petitioner and Ms. Thakur, learned AGP for respondents.
2. The Gram Panchayat is served, however it is not represented.
3. The primary grievance of the petitioner, that insofar as the village is concerned there is a “Gairan land” which has been illegally encroached and unauthorized construction has been put up. The petitioner contended that this is in gross breach of the law as laid down in the decision of the Supreme Court in **Jagpal Singh & Ors. Vs. State of Punjab & Ors**¹. The petitioner, accordingly made a representation to the Chief Executive Officer, Zilla Parishad, Satara. In pursuance of such grievance/complaint as made by the petitioner, a notice was issued by the Respondent No.7 Block Development Officer to the Gram Panchayat that the unauthorized construction on the “Gairan land”, be removed. Such notice was

¹ (2011) 11 SCC 396

dated 11 March 2023, however, no action whatsoever was taken. The petitioner again addressed representation that the notice dated 11 March 2023 has not been complied and in pursuance thereto a fresh communication was addressed by the Block Development Officer to the Gram Panchayat calling upon the Gram Panchayat to take appropriate action to remove the unauthorized construction.

4. We are of the clear opinion that the orders which were passed by the Block Development Officer (BDO), were required to be complied by the Gram Panchayat, which were certainly binding on the Gram Panchayat. There is nothing on record to show that such orders passed by the BDO in any manner are not valid. No encroachment or construction on the “Gairan land” is permissible, considering the settled principles of law as laid down by the Supreme Court in **Jagpal Singh & Ors. Vs. State of Punjab & Ors** (supra).

5. In this view of the matter, we are inclined to dispose of this petition by directing the Gram Panchayat to take appropriate action in accordance with law to remove the unauthorized construction, if already not removed. Let such action be taken within a period of four weeks from the day a copy of the order is placed before the Gram Panchayat.

6. List the proceedings for compliance on **25 July 2025**.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)