



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 2575 of 2025

[Arbaj Jakir Qureshi and ors. ..vs.. The Secretary, Gram Panchayat,
Alapalli, Tq. Aheri, Dist. Gadchiroli and anr.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. M. Chandekar, Advocate for the petitioners
Mr. S. B. Bissa, AGP for the State

CORAM : ANIL L. PANSARE J.

DATED : 08-05-2025

Heard for some time.

2. The argument is that while removing encroachment, respondent no. 1 is duty bound to obtain permission of the Collector in terms of Sub-section (2) of Section 53 of the Maharashtra Village Panchayats Act, 1958.

3. Learned counsel for the petitioners submits that the petitioners are blamed to have encroached upon the weekly market, a land belonging to the Government. He submits that, in such circumstances, the Panchayat may remove the alleged encroachment but subject to permission of the Collector or of any officer authorized by him in this behalf. In the present case, the Gram Panchayat has issued notice stating therein that if encroachment is not removed within stipulated period, the Gram Panchayat shall remove the same at the costs of the petitioners.

4. Notice was challenged before the Additional Commissioner, Nagpur (respondent no. 2), who refused to entertain the grievance without considering the legal provision noted above.

5. In the circumstances, the purpose will be served, if Gram Panchayat is directed to take action, if so necessary but

only after due compliance of sub-section (2) of Section 53 of the Maharashtra Village Panchayats Act.

6. Writ petition is disposed of in above terms with no order as to costs.

(Anil L. Pansare, J.)

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