

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

WRIT PETITION NO. 5772 OF 2024

Yashodabai wd/o Nago Lilhare and another
.Vs.

Gram Panchayat, Murdada, Panchayat Samiti Zilla Parishad Gondia thr. its Sarpanch and
Gramsevak and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr M.R. Joharapurkar, Advocate for the petitioners.
Mr. S.K. Tambde, Advocate for respondent No.1.
Mr. H.D. Dubey, AGP for the respondent No.2/ State.

CORAM : SMT. M.S. JAWALKAR, J.

DATE : 05.05.2025

Heard learned counsel for the petitioner,
learned AGP and learned counsel for the respondents.

2. The Gram Panchayat seized certain articles
referred in seized article panchnama dated 14.06.2024
(page 127).

3. Learned counsel for the respondents submitted
that in view of Section 53 of the Maharashtra Village
Panchayats Act, 1959 (for short, 'the Act of 1959), the
petitioners have to first pay the charges and then release
the seized articles.

4. However, on going through Section 53 of the
Act of 1959, it appears that charges is in respect of the

removal of obstructions. Petitioners are required to pay the charges of removal of articles in view of Section 53 of the Act of 1959. There is no provision in the said section for seizure of articles. As such, in my considered opinion, *prima-facie* action on the part of Gram Panchayat is not in consonance with law.

5. As such, Gram Panchayat, Murdada is hereby directed to release the articles mentioned in the panchanama dated 14.06.2024 to the petitioners and may collect the charges for its removal from the alleged place of the encroachment within a period of one week.

6. Due to paucity of time it is not possible to take up the matter for final hearing before Summer Vacation.

7. List the matter on 17.06.2025 for further consideration.

(SMT.M.S. JAWALKAR, J.)