



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

WRIT PETITION NO. 574 OF 2025

(Abhimanyu Arjun Tayade & Ors.

Vs.

State of Maharashtra, Thr. Rural Development Department, Mantralaya,
Mumbai & Ors.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Abhay Sambre, Advocate for the Petitioners.
Mr. N.R. Patil, AGP for the Respondent Nos. 1 & 2/State.
Mr. R.N. Ghuge, Advocate for the Respondent Nos. 4 & 5.

CORAM: AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.

DATED : 6th MARCH, 2025

1. Heard.
2. Mr. Ghuge, learned Counsel appears for the Respondent Nos. 4 and 5 and states, that there is a dilemma as to who will remove the encroachment, the Respondent Nos.4 and 5 or the Revenue Authorities, who have also issued a notice to the encroacher.
3. The communication dated 08.07.2024, which is being sought to be relied for this purpose, in fact indicates, that it is addressed to the Respondent No.4, for removing the encroachment, in view of which in our considered opinion, there is no dilemma at all.

4. Since the encroachment is on the road within the area of Gram Panchayat, in our considered opinion, it would be the Respondent Nos.4 and 5 who would be responsible for its removal. Since there is no dispute, that the encroachment is on the road, it would be the Gram Panchayat who would be entitled to remove the same. We, therefore, **allow** the Petition by directing the Respondent Nos. 4 and 5, to act in terms of the statutory mandate as imposed by the provisions of Village Panchayat Act and remove the encroachment within a period of two weeks from today.

5. Pending application/s, if any, shall stand disposed of accordingly.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)