

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1837 OF 2025

Gram Panchayat Manegaon
Tal. Sinnar and Ors.

...Petitioners

Vs.

The State of Maharashtra
Through Dept. of Rural
and Revenue Dept. and Ors.

...Respondents

ALONGWITH
INTERIM APPLICATION NO. 2005 OF 2026
IN
WRIT PETITION NO. 1837 OF 2025

MSKVY Twentieth Solar Pvt. Ltd.

...Applicant

Vs.

Gram Panchayat Manegaon
Sinar and Ors.

...Respondents

Mr. P. N. Joshi (through VC) - Advocate for the Petitioner
Shri P. G. Sawant – AGP for the Respondent-State
Adv. Richika Kadam i/by Little and Co. - For Respondent No. 5.
Senior Adv. Sanjeev Gorwadkar i/by Adv. Gurudas Gorwadkar a/w
Adv. Soham Lande – For Respondent No. 6/Applicant

CORAM : M. S. KARNIK AND
S. M. MODAK, JJ.

DATE : 05th MAY 2026

ORAL ORDER (M. S. KARNIK, J.) :-

1. Heard learned advocate Shri Joshi for the Petitioners and Mr. Sawant, learned AGP for Respondent No. 1-State and Mr. Gorwadkar, learned Senior advocate for Respondent No. 6.
2. This petition is filed by Gram Panchayat Manegaon, Taluka Sinnar, District Nashik. This petition seeks to challenge the order dated 26.06.2023 passed by the District Collector at Nashik in exercise of power under Section 9 of the Maharashtra Village Panchayats Act, 1959.
3. By the said order, Gat No. 507 situated at village Manegaon, Taluka Sinnar, District Nashik was proposed to be utilized for implementation of a Solar Energy project pursuant to the initiatives of the State Government. The Revenue records insofar as Gat No. 507, admeasuring 29.99 acres is concerned stand in the name of the State Government. An affidavit has been filed on behalf of the Respondent Nos. 1, 3 and 4. On 23rd September 2023, the Respondent No. 5 through its Deputy Executive Engineer issued a communication to the Petitioners stating therein that initially land from Gat No. 507 to the extent of 29.99 acres was being utilized for the Solar Project. However,

that land was found to be insufficient and hence 47 acres of land from adjoining Gat No. 506 was demanded. By passing a Resolution on 9th December 2024, the Gram Panchayat, Manegaon opposed this proposal. Consequently, on 31st December 2024, the Rural Development Department of the State Government issued a communication to the Chief Executive Officers of all Zilla Parishads in the State of Maharashtra that No Objection Certificate of Gram Panchayats would not be necessary while implementing the Solar Project by the State Government. It is in this backdrop that the Petitioners have approached this Court by filing the present Writ Petition.

4. Mr. Joshi, learned counsel for the Petitioners submitted that under Section 8AA of the Maharashtra Village Panchayats Act, 1958, every Gram Sabha is entitled to convey its views to the Gram Panchayats before any decision is taken on any proposal for acquisition of any land falling within the jurisdiction of the Gram Panchayats for Government use. Though land from Gat No. 507 was initially taken up for the Solar Project, the land forming part of Gat No. 506 was demanded. The land forming Gat No. 506 is stated to be gur-charan

(gai-ran) land as recorded in the Revenue Records.

5. The contention of Mr. Joshi is that disregarding the consent of the Gram Panchayat, objection of the Gram Sabha and by dispensing with its no objection, steps for taking possession of Gat No. 506 are being initiated.

6. Learned Senior counsel for the Respondent No. 6 submitted that solar project is an initiative of the State Government and it is for the public purpose. Even learned AGP for the Respondent-State has submitted that electricity generation and consumption is the important key factor in the developing State. The demand of consistent electricity supply is required in industries, agricultural, commercial and residential sector. Further, due to the generation of electricity from thermal power or other resources, the generating cost is on higher side which directly and indirectly affect the public economy. Hence, generation of electricity through natural resources is very much required for average cost cutting which is beneficial to every kind of electricity consumer.

7. Considering the larger interest of the public, the Central Government and the State Government has been concentrating in

power generation sector and bringing different scheme accordingly. The Mukhyamantri Saur Krishi Vahini Yojana is one of the flagship program of the State Government and under the said program the State Government has facilitated to its company M. S. E. D. L. for establishing the Solar Energy Generation Plants and for establishing such plants the State Government has decided to make available the government lands to the company a very concessional rates.

8. In the affidavit of the State Government, it is stated that after starting of the above said Solar Energy Generation Plant on allotted lands the electricity generated from the said plan will be available to the public at large and also will be very much helpful to boost the economy from all sectors. Further, the electricity generated from the said plan will also be available consistently to the residential consumer and farmers.

9. The Petitioner-Gram Panchayat is not the owner of the land and it is stated in the affidavit in reply that so far as Gat No. 507 is concerned, except plantation of some trees larger part of the disputed land is barren and hence, allotting the said land for establishing Solar Energy Generation Plant is very much required and beneficial for the

public interest.

10. Thus, we find that for the genuine public interest, the land forming Gat No. 507 is required for the State Government. No doubt Section 8AA of the Maharashtra Village Panchayats Act, 1958, provides that views of the Gram Panchayats ought to be taken into consideration before taking any decision on the proposal of the acquisition of land. The objection of the Gram Panchayat is already on record.

11. Learned Senior Advocate for Respondent No. 6 submitted that presently activities of the Respondent No. 6 will be restricted only to Gat No. 507. Considering the public interest involved, we are not inclined to entertain the Petitioner's challenge so far as Gat No. 507 is concerned which is an open land belonging to the State Government. Section 8AA only provides that the views of the Gram Panchayat is to be taken into consideration. No doubt the Collector must comply with Section 8AA. However, the setting up of the project need not wait till the views of the Grampanchayat are taken into consideration having regard to the larger public interest involved.

12. So far as Gat No. 506 is concerned, which is gurcharan land,

learned Senior Advocate on instructions of Respondent No. 6 submits that no activity will be carried out in Gat No. 506 till the time the provisions of Section 8AA of the Maharashtra Village Panchayats Act, 1958 are complied with.

13. In such view of the matter, we pass the following order :-

ORDER

- (i) Within a period of two weeks from today, the Gram Panchayat shall convey its views to the Collector, Nashik on the proposal for implementation of the Solar project on the land bearing Gat Nos. 506 and 507. The said proposal shall be considered by the Collector, Nashik.
- (ii) The Grampanchayat members shall place before the Collector, Nashik on 15th May 2026 its views in respect of the said project on plot nos. 506 and 507.
- (iii) The decision on the said proposal of the acquisition shall be taken by the Collector within a period of eight weeks from the date of 15th May 2026 in accordance with law and conveyed to the Gram Panchayat.
- (iv) In the meantime, considering the public interest involved,

the Respondent No. 6 is permitted to implement the Solar Project on Gat No. 507 only. Such implementation shall be subject to the final decision of the Collector, Nashik.

14. The submission of learned Senior Advocate for the Respondent No. 6 that proposal shall not be implemented on the Gat No. 506 till the decision of the Collector is taken, is recorded as an undertaking to this Court.

15. The present Writ Petition is disposed of. Pending Interim Application, if any, also stands disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)