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

WRIT PETITION NO.2536 OF 2026

VITTHAL SHIVBA PAWAR AND OTHERS

VS

THE STATE OF MAHARASHTRA, THR. PRINCIPAL SECY. RURAL
DEVELOPMENT DEPT. MUMBAI AND ORS.

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

Court's or Judge's orders

Mr. Pritesh Atkar, Advocate for the petitioner/s
Mr. Ukey, Addl. G.P. for the respondent/State

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATE : 30.03.2026

1. Heard the learned counsel for the petitioners.
2. The petitioner, who are the residents and the voters of Gram Panchayat Chandas, Taluka Malegaon, Dist. Washim, have approached this Court seeking direction to the respondent No.2- The Additional Divisional Commissioner Amravati Division, Amravati to decide their complaint, which was filed under Section 39(1)(i) of the Maharashtra Village Panchyats Act, 1959. (for short "the Act of 1959").
3. The contention is that respondent No.5 is the elected Sarpanch of the aforesaid Gram Panchayat. It is alleged that respondent No.5 has illegally encroached upon Government land, misused her powers, and engaged in corrupt practices in various works of the Gram Panchayat. In view thereof, the petitioners preferred an application under Section 39(1)(i) of the Act of 1959 before

respondent No.2.

4. Upon such complaint, respondent No.2 called for the relevant record as contemplated under the aforesaid provision from respondent No.3 – Chief Executive Officer, Zilla Parishad, Washim. Pursuant. The respondent No.3, on 26.05.2025, submitted a report to respondent No.2, which is placed on record at page 24 (Annexure-B).

5. The learned counsel for the petitioners submits that the statute mandates respondent No.2 to take a decision within one month from the date of submission of such report.

6. The report was submitted on 26.05.2025. However, even after the lapse of nearly ten months, respondent No.2 has not taken any decision on the complaint filed by the petitioners. Hence, the present petition.

7. The learned Addl. G.P. appearing on behalf of respondent Nos. 1 and 2 submits that the aforesaid provision of Section 39(1) is governed by a proviso wherein the word “shall” is used. Accordingly, respondent No.2- Additional Divisional Commissioner Amravati Division, Amravati shall take a decision within a period of four weeks from the date of production of the order of this Court.

8. In view of the above, the grievance of the petitioner stands redressed.

9. The respondent No.2 is directed to decide the application under Section 39(1)(i) of the Act of 1959

submitted by the petitioners to the respondent No.2 which is at record Page 7(Annexure-A) within four weeks from the date of the production of this order

10. The learned counsel for the petitioners undertakes to furnish copy of this order to the respondent No.2 within one week from today.

11. Decision taken shall be communicated to the petitioners within two weeks thereafter.

Accordingly, the writ petition is **disposed of** in the above terms. No order as to costs.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)