



N THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2968 OF 2026

Narayan Motilalji Agrawal & Ors. Vs. The State of Maharashtra & Ors.

*Office Notes, Office Memoranda of Coram,
Appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. Atharva S. Manohar, Advocate for the Petitioners.

Mr. N.S. Rao, AGP for Respondent Nos.1 & 2/State.

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

DATE : 10.04.2026

Heard Mr. Atharva S. Manohar, learned counsel for the petitioners.

2. The petitioners seek a direction of this Court to respondent Nos.1 to 3 to remove the unauthorized and illegal constructions of religious structures made on open Plot No.196 and the adjacent land earmarked for open public utility space, situated in Gat No.268/2, Village Sagwan, Tahsil and District Buldhana.

3. Learned counsel for the petitioners has invited our attention to the map at record page No.39 in order to substantiate the aforesaid claim regarding the open space reserved for a primary school. However, upon perusal, the map appears to be that of a residential layout, which is a private layout.

4. In view of the above, since the alleged encroachment is upon private land, we are not inclined to interfere in the present dispute, which can be appropriately resolved by the competent Civil Court in proceedings initiated by the petitioners for such relief.

5. However, learned counsel for the petitioners has also invited our attention to the complaint lodged by the petitioners, which is at record page No.49, made to the Secretary, Gram Panchayat, Sagwan. Further, our attention has been drawn to the statutory duty cast upon the Gram Panchayat under Section 52, sub-sections (4) and (5) of the Maharashtra Village Panchayats Act, 1959, regarding action to be taken against such unauthorized construction.

6. In view of the above, we dispose of the present writ petition with a direction to respondent No.3 – Gram Panchayat, Sagwan, to consider the aforesaid complaint dated 1st April, 2026, and take an appropriate decision, after hearing the necessary parties, within a stipulated period of twelve weeks from the date of production of this order.

7. The decision taken thereupon shall be communicated to the petitioners within two weeks thereafter.

8. Needless to mention that, if the aforesaid decision is adverse to the petitioners, they shall be at liberty to challenge the same before the appropriate forum by invoking the relevant provisions of law. The said authority shall decide the matter independently and shall not be influenced by the observations made by this Court in the present order, which are prima facie in nature.

9. The writ petition is accordingly disposed of. No costs.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)