

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos.12370-12371 OF 2024  
(Arising out of SLP(C)Nos.27106-27107/2024 @  
D.No.19172/2024)

SANDEEP DNYANOBA UNDRE

... APPELLANT

Versus

THE STATE OF MAHARASHTRA & ORS.

... RESPONDENTS

O R D E R

1. Delay condoned.

2. Leave granted.

3. The appellant filed Public Interest Litigation No.70/2021 before the High Court of Judicature at Bombay purportedly in public interest, *inter alia*, alleging - (i) The Gram Panchayat land of village Manjri Khurd, Taluka Haveli, District Pune had been allotted to a private Trust for private benefit though the said land was earmarked for construction of school. (ii) The private Trust (R.No.11) is utilizing the land for its private benefit and, thus, the allotment of Gram Panchayat land was neither beneficial to the villagers nor was in any public interest. (iii) Even the Resolutions purportedly passed by the Gram Panchayat for allotment of land in favour of respondent No.11 are allegedly forged and fabricated.

4. In order to show his *bona fide* for the maintainability of the Public Interest Litigation, the appellant averred that he was a tax payer and resident of the same village and that the Writ

Petition was filed for the benefit of the larger community of the village.

5. The High Court vide impugned order dated 25.10.2021 did not deem it appropriate to entertain the Writ Petition as according to it, there was alternative mechanism available to the appellant to assail the decision of the Gram Panchayat and the governmental authorities regarding the allocation of land to respondent No.11. The Review Petition filed by the petitioner was also dismissed by the High Court vide order dated 07.03.2024. The aggrieved appellant is before us by way of instant appeals.

6. A counter affidavit has been filed by respondent Nos.5 and 6. We have perused the averments made therein. There is no denial to the fact that the Gram Panchayat land has been actually allotted to a private Trust. What is sought to be contended before us is that the allotment is in accordance with the rules and no irregularity has been committed in making such an allotment. We are not satisfied with such an explanation at this stage. Those, who are involved in allotment of the land, are defending their action.

7. The question as to whether (i) The village community will be the direct beneficiary of transfer of the Gram Panchayat land to a private Trust? (ii) What kind of activities the Trust has commenced and/or intends to start at the site? (iii) Whether the Gram Panchayat would have been able to utilize the land in a better way for the benefit of the village community; and (iv) Whether there is an element of arbitrariness in allotment of the land thereby causing financial loss to the Gram Panchayat, are the questions which need to be determined by an independent Arbitrator.

8. We are, thus, of the view that the High Court ought not to have dismissed the Public Interest Litigation at the threshold thereby relegating the appellant to approach most of those officers/authorities, who are actively involved in allotment of the subject land.

9. For the reasons aforesaid, the appeals are allowed, the impugned orders dated 25.10.2021 and 07.03.2024 are set aside and the matter is remitted to the High Court with a request to determine the questions, as formulated above, and/or any other question that may arise for consideration before it.

10. All the contentions are left open.

11. It is clarified that we have not expressed any opinion on the merits of the case.

12. As a result, the pending interlocutory applications also stand disposed of.

.....J.  
(SURYA KANT)

.....J.  
(UJJAL BHUYAN)

NEW DELHI;  
NOVEMBER 14, 2024.

ITEM NO.35

COURT NO.3

SECTION IX

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

**SPECIAL LEAVE PETITION (CIVIL) .....Diary No(s). 19172/2024**

**[Arising out of impugned final judgment and order dated 25-10-2021 in PIL No.70/2021 and order dated 07-03-2024 in RP No.1/2022 in PIL No.70/2021 passed by the High Court of Judicature at Bombay]**

**SANDEEP DNYANOBA UNDRE****Petitioner(s)****VERSUS****THE STATE OF MAHARASHTRA & ORS.****Respondent(s)**

**(IA No.106897/2024-CONDONATION OF DELAY IN FILING and IA No.106895/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.106893/2024-EXEMPTION FROM FILING O.T.**

**IA No. 106897/2024 - CONDONATION OF DELAY IN FILING**

**IA No. 106895/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT**

**IA No. 106893/2024 - EXEMPTION FROM FILING O.T.)**

**Date : 14-11-2024 These matters were called on for hearing today.**

**CORAM :****HON'BLE MR. JUSTICE SURYA KANT****HON'BLE MR. JUSTICE UJJAL BHUYAN**

**For Petitioner(s) Mr. Ranjit Balasaheb Raut, AOR**  
**Mr. Sonit Sinhmar, Adv.**  
**Mr. Bhupinder Dalal, Adv.**

**For Respondent(s) Mr. Suhaskumar Kadam, Adv.**  
**For M/S. Black & White Solicitors, AOR**

**Mr. Siddharth Dharmadhikari, Adv.**  
**Mr. Aaditya Aniruddha Pande, AOR**  
**Mr. Bharat Bagla, Adv.**  
**Mr. Aditya Krishna, Adv.**  
**Ms. Preet S. Phanse, Adv.**  
**Mr. Adarsh Dubey, Adv.**

**Mr. Anand Dilip Landge, AOR**  
**Mr. Chaitanya Nikte, Adv.**  
**Mrs. Sangeeta S Pahune Patil, Adv.**  
**Mr. Sumit Kumar, Adv.**

UPON hearing the counsel the Court made the following  
O R D E R

Delay condoned.

Leave granted.

The appeals are allowed in terms of the signed order.

As a result, the pending interlocutory applications also stand disposed of.

(SATISH KUMAR YADAV)  
ADDITIONAL REGISTRAR

(PREETHI T.C.)  
ASSISTANT REGISTRAR

(Signed order is placed on the file)