

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION (STAMP) NO.6288 OF 2015**

**Smt. Gayabai Babasaheb Kotame**

**.. Petitioner**

**Versus**

**Shri. Dnyaneshwar Ramchandra Lahare  
and others**

**.. Respondents**

**Shri. P N. Joshi, for the Petitioner.**

**Shri. S. D. Rayrikar, AGP for the Respondent Nos.3 & 4.**

**CORAM : R.M. SAVANT, J.**

**DATE : 25<sup>th</sup> MARCH, 2015**

**PC.**

1. The order dated 22.02.2015 passed by the Additional Commissioner, Nashik Division, Nashik, by which order the Appeal filed by the Petitioner being Grampanchayat Appeal No.127 of 2014 came to be dismissed is taken exception to by way of the above Petition.

2. The said Appeal was directed against the order dated 09.04.2014 passed by the Additional Collector, Nashik, by which order the application filed by one Dnyaneshwar Ramchandra Lahare for the disqualification of the Petitioner under Section 14(1)(J-3) of the Bombay Village Panchayat Act came to be allowed and the Petitioner was held to be disqualified on the ground that she has carried out unauthorized

construction in the land belonging to the Grampanchayat. The contention of the Petitioner that the alleged unauthorized construction is in the land which has come to the share of the some other family member in the year 2014 was not countenanced by the authorities below. The authorities below held that though the said properties now stand in different names, however, from the year 2010 to 2014 the Petitioner's name was appearing in respect of the said property and therefore, the factum of unauthorized construction being carried out stands proved against the Petitioner.

3. The Additional Collector arrived at the conclusion that the Petitioner stands disqualified on the basis of the material which was placed before him. The Appellate Authority did not deem it appropriate to interfere with the order passed by the Additional Collector as according to the Appellate Authority the Additional Collector had recorded findings on the basis of material which was placed before him. In my view, having regard to the findings of fact which have been recorded by the authorities below as regards the unauthorized construction, the disqualification of the Petitioner on the said ground can not be faulted with. No case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

**[R.M. SAVANT, J]**