

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11430 OF 2017
WITH
CIVIL APPLICATION NO. 11873 O 2017

AJIT LAXMAN PANSARE
VERSUS
CHIEF EXECUTIVE OFFICER AND OTHERS

Advocate for Petitioner : Shri R.N. Dhorde
h/f Shri V.R. Dhorde.
Advocate for Respondent No. 2 : Shri H.P. Jadhav
h/f Shri G.B. Kadlag.
AGP for Respondent Nos. 4 to 6 : Shri N.T. Bhagat.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 25th September, 2017

PER COURT :

1. Liberty to add Tahsildar, Sangamner, as respondent No.
6. Addition be carried out forthwith. Learned AGP causes an
appearance on behalf of the Tahsildar.

2. The petitioner in this petition, namely, Ajit Laxman
Pansare, by prayer clause 21 B, has put forth the following
prayer :

“B) Quash and set aside the impugned order
dated 18.02.2017 passed by the Respondent No. 4 in
Complaint No. 01/2015 (new 109/2016) and the order
dated 01.08.2017 in Gram Panchayat Appeal No.
535/2017 and for that purpose issue necessary orders.”

3. In Civil Application filed by the petitioner, he has prayed for introducing paragraph Nos. 13 A to 13 D in the Writ Petition.

4. Issue is as regards the disqualification of the petitioner under Section 14 (1) (j-3) of the Maharashtra Village Panchayat Act, for having indulged in an encroachment. It is the consistent contention of the petitioner that he has inherited property from his grand father and, therefore, cannot be said to be an encroacher. Besides this contention, it is further stated that it is a misconception on the part of the authority that the petitioner has committed any encroachment.

5. I am, however, not required to advert to the entire contentions of the learned Senior Advocate on behalf of the petitioner, the learned AGP on behalf of respondent Nos. 4 and 5 and the learned advocate appearing on behalf of respondent No. 2 for the reason that the learned Senior Advocate has been instructed by the petitioner, who is present in the Court, to make the following statements :

(a) At his request, the Gram Sabha of Gram Panchayat, Ghulewadi, Taluka Sangamner, has passed a resolution on 13/07/2017, by which, the name of the petitioner has

been deleted as a shareholder from the Gram Panchayat Plot No. 232 and he would, therefore, not be claiming to any share in the said plot.

(b) Pursuant to the resolution dated 13/07/2017, the Village Panchayat record as regards the property mentioned in form No. 8, under Rule 32 (1) has also been corrected, indicating that the petitioners name is deleted from the property No. 232.

(c) Both the above documents are placed on record in the Civil Application at page No. 9 and 10.

(d) At page No. 11 in the Civil Application, the copy of the affidavit is placed on record, duly signed by the petitioner on 05/05/2017, to indicate that the partition of the agricultural land has been done between the relatives of the petitioner.

(e) By affidavit dated 23/08/2017, executed by the brother of the petitioner, the name of the petitioner having been deleted from property No. 232, has been excluded and the said property No. 232 is now handed over to Eknath Shankar Pansare.

6. It is therefore stated that, considering the above, the Writ Petition be disposed of as the petitioner does not intend to

pursue the said petition. He would file an affidavit, mentioning the above statements, within a period of seven days from today in this Court and which would be taken on record of this proceedings, notwithstanding the disposal of the proceedings today.

7. Learned advocate for respondent No. 2 contended that the petitioner should not henceforth seek any claim in the concerned property No. 232 in future.

8. In the light of the above, this petition and the civil application are disposed of by recording the above stated statements made by petitioner and subject to the filing of the affidavit, as observed above.

9. It is, further, made clear that in future, during the life time of the petitioner or his LRs or assignees, he/they shall not make or seek any claim to property No. 232, which is subject matter of the present litigation. If he/they would make any such claim, the statements made before this Court shall be construed to be an act of abuse of the law and a fraud played on the Court.

10. Learned AGP shall inform the Returning Officer that the statement of this petitioner that he is unconnected with the property No. 232, has been recorded in this Court and he is not henceforth connected with the said property in any manner.

11. Needless to state, the earlier disqualification shall be in connection with the property No. 232 and with the earlier election of the petitioner.

(RAVINDRA V. GHUGE, J.)

S.P.C.