

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

8 WRIT PETITION NO. 11981 OF 2017

ARCHANA PREMRAJ PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
9 WRIT PETITION NO. 11982 OF 2017

PREMRAJ DHANRAJ PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
10 WRIT PETITION NO. 11983 OF 2017

NANA MUKUNDA PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the Petitioners : Shri Patil Prakashsing B.
AGP for Respondents 1 to 3/ State : Shri S.K.Tambe.
Advocate for Respondents 4 and 5 : Shri S.T.Shelke.
Advocate for Respondents 6 : Shri Mukul S. Kulkarni.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 28th September, 2017

Per Court:

- 1 Not on Board. Mentioned. Taken on the Production Board.
- 2 The Petitioners, in all these petitions, are aggrieved by the rejection of their nomination forms on the ground that the resolution

passed by the Gram Panchayat indicates that they have resorted to encroachment on the Government land and hence, would be liable for disqualification under Section 14(1)(J-3) of the Maharashtra Village Panchayats Act.

3 I have considered the submissions of the learned Advocate for the Petitioners, the learned AGP on behalf of Respondent Nos.1, 2 and 3, Shri Shelke, learned Advocate on behalf of Respondent Nos.4 and 5 and Shri Kulkarni, learned Advocate on behalf of Respondent No.6.

4 The grievance of the Petitioners is that on 15.08.2017, the subject was taken at the eleventh hour and which was not on the agenda of the meeting, pertaining to the encroachment by some of the villagers on the Government land. By passing the resolution, about 22 persons are held to be encroachers on the Government land for the reasons mentioned in the resolution. The names of the Petitioners figure in the said list.

5 It is contended that suddenly, out of the blue, such resolution is passed and immediately thereafter, the Gram Sevak has prepared the property form for payment of taxes in Form No.32(1) indicating that these persons have encroached upon the Government land.

6 Prima facie, it appears that the passing of the resolution listing the names of these Petitioners, who are prospective candidates opposing the candidature of the present Sarpanch, has been done without causing any enquiry into the matter, much less, calling upon these persons

to explain their side.

7 Nevertheless, since several disputed questions have been raised in these petitions in the matter of rejection of the nomination forms, this Court would not be justified in exercising jurisdiction for considering disputed questions.

8 In the light of the above, all these Writ Petitions are disposed of.

9 However, to ensure that there is no travesty of justice, I deem it appropriate to record that in the event these Petitioners resort to a remedy as may be permissible in law after the elections are concluded, in connection with the elections or in connection with the alleged encroachment, the result of the elections to the extent of the constituencies from which these Petitioners desired to contest the elections, shall be subject to the result of such litigation.