

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.1407 OF 2015

(RAMESHWAR SHIVRAM NARNAWARE...VS.. THE ADDL. COMMISSIONER, AMT. & 5 OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

None for the petitioner.
Ms M.A.Barabde, A. G.P. for Respondent Nos. 1 & 2.
Shri M.P. Kariya, Advocate for Respondent No.3.

CORAM : Z.A.HAQ, J.

DATED : OCTOBER 03, 2017.

None appeared for the petitioner in the morning session. The matter was kept back. In the afternoon session again, when the matter is called out there is no appearance for the petitioner.

2. Heard advocate for the respondent No.3 and A.G.P. for the respondent Nos. 1 and 2.

3. The petitioner got elected as a member of Gram Panchayat on 21st October, 2012. An application under Section 14(1)(g) and (j-3) of the Maharashtra Village Panchayats Act, 1958 was filed against the petitioner and two other members Sau. Kavita Deepak Ingle and Gajanan Harihar Ingole praying that they be disqualified from continuing as members of Gram Panchayat as they have encroached on government land.

4. The Additional Collector, by the order passed on 31st October, 2014 concluded that the three members against whom application was filed were disqualified from continuing

as members of Gram Panchayat. These three members who were disqualified had filed an appeal which is dismissed by the Additional Commissioner by the impugned order.

5. The learned A.G.P. and the advocate for the respondent No.3 have pointed out the finding recorded by the Additional Collector that the petitioner is a member of joint family and the members of joint family have encroached on government land. The learned Additional Commissioner has independently considered this aspect and has confirmed the finding of fact recorded by the Additional Collector holding that the petitioner has incurred disqualification. Reliance is placed on the judgment given in the case of *Kanchan Shivaji Atigre Vs. Mahadev Baban Ranjagane*, reported in **2013(1) ALL MR 5**.

6. With the assistance of the learned A.G.P. and the learned advocate for the respondent No.3, I have gone through the petition and the documents placed on the record of the petition. The petitioner has not placed any material on the record to show that the finding of fact concurrently recorded by the subordinate authorities, suffers from any perversity. I see no reason to interfere with the impugned order.

The petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE