

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

WRIT PETITION NO. 2627 OF 2018

PRAYAGABAI ARUN RAUT
VERSUS
THE ADDITIONAL COMMISSIONER AURANGABAD AND OTHERS

...

Advocate for the Petitioner : Shri Kawade Shrikant G
AGP for Respondents 1 to 5/ State : Shri S.K.Tambe.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 27th March, 2018

Per Court:

1 This matter was heard on 13.03.2018 and this Court had
observed as under :-

1. The petitioner / elected representative is aggrieved by the concurrent orders passed by the Additional Collector, dated 28.11.2016 and the Additional Commissioner, dated 20.11.2017 by which, the petitioner has been disqualified under Section 14(1) (j-3) of the Maharashtra Village Panchayat Act for having occupied the encroached property and continued to occupy such house property.
2. *I have considered the submissions of the learned counsel for the petitioner who has placed reliance on the judgment of the Honourable Apex in the case of Sagar Pandurang Dhundare Vs. Keshav Aaba Patil and others [2018 (1) Mh.L.J. 1].*
3. *The Tahsildar's report and the findings of the Additional Commissioner and Additional Collector indicate that in 1987, the grandfather of the petitioner's husband was said to have encroached upon the Government land. The petitioner, after her marriage with the grand-son of the encroacher, claims to have inherited the said property and*

- continues to occupy the said encroached property.*
4. *Learned AGP appearing on behalf of the State submits that the petitioner may give up the encroached property and save her post or may sacrifice her post by occupying the encroached property.*
 5. *Learned counsel for the petitioner seeks time to take instructions so as to make a statement as to whether the petitioner desires to give up the encroached properties and save her membership as an elected member of the gram Panchayat or whether she would continue to occupy the said property.*
 6. *Considering the above, S.O. 27.3.2018 for passing orders.*
 7. *Until then, there would not be interim relief at this stage."*

2 The learned Advocate for the Petitioner submits, on instructions, that the Petitioner desires to withdraw the challenge posed in this petition and therefore, seeks liberty to withdraw this petition.

3 Considering the above, this Writ Petition is disposed of as withdrawn, on instructions.