

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

WRIT PETITION NO.10607 OF 2018

Smt. Shobhabai w/o Elji Patil

... Petitioner

Versus

The Additional Commissioner,
Nashik Division, Nashik & others

... Respondents

Mr.A.V.Hon, Advocate for the petitioner.

Mr.S.W.Munde, AGP for Respondents No.1 & 2.

Coram : N.M. Jamdar, J.

Date : 30 November 2018.

Oral Order :

1 By this petition, petitioner has challenged the orders passed by the Collector, Dhule and the Additional Commissioner, Nashik Division, Nashik, resulting in disqualification of the petitioner as elected Member of Gram Panchayat Dapura.

2 The petitioner was elected as a Member of the Village Panchayat in the elections held in the year 2015. Respondent No.3 filed an application under Section 16 of the Maharashtra Village

Panchayats Act, 1958, seeking to disqualify the petitioner. By an order dated 8 April, 2018, the Collector, Dhule, allowed the application and the petitioner stood disqualified. An appeal filed before the Additional Commissioner by the petitioner was also rejected. Both, the Collector and the Additional Commissioner examined the report and found that the report clearly indicates that there was an encroachment on the Government property. Not only this, the report was sought to be tampered by putting whitener and incorporating name of some other person. It has not been shown that how these two findings are perverse and, therefore, not only the petitioner has encroached upon the Government property but sought to change the report to show otherwise. In these circumstances, petitioner cannot seek interference in the writ jurisdiction of this Court.

3 Writ Petition is accordingly rejected.

N.M. Jamdar, J.