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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12017 OF 2017

Balwant K. Patil	...Petitioner
V/s.	
The State of Maharashtra & Ors.	...Respondents

Mr.Abhijit Desai for the Petitioner.

Mr.S.H. Kankal, A.G.P. for the State – Respondent Nos.1 to 3.

Mr.Kuldeep Nikam for the Respondent No.5.

CORAM : R.D. DHANUKA, J.
DATE : 14TH AUGUST, 2018.

P.C. :-

1. The petitioner has impugned the order passed by the learned Additional Commissioner, Pune on 16th June, 2017 in Grampanchayat Appeal filed by the respondent no.2 allowing the said appeal and setting aside the order passed by the respondent no.3 in Dispute No.95 of 2016.

2.

Learned counsel appearing for the petitioner fairly submits that the allegations of encroachment were made by the petitioner against the father in law of the respondent no.2 and not against the respondent no.2 under section 14(j-3) of the Maharashtra Village Panchayats Act, 1958 (for short "the said Act").

3. In my view, the petitioner could not have filed a dispute against the respondent no.2 for disqualification under section 14(j-3) of the said Act on the ground that the father in law of the respondent no.2 had encroached upon the Government land and also in view of the fact that the Supreme Court in case of **Sagar Pandurang Dhundare vs. Keshav Aaba Patil & Ors. (2018) 1 SCC 340** has held that the dispute filed by the petitioner itself was not maintainable seeking disqualification of the respondent no.2 on the ground that her father in law has carried out unauthorized construction. The principles laid down by the Supreme Court in case of **Sagar Pandurang Dhundare** (supra) and followed by this Court in several matters squarely applies to the facts of this case. The petition is devoid of merit and is accordingly dismissed. There shall be no order as to costs.

(R.D. DHANUKA, J.)