

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

WRIT PETITION NO. 414/2019

Sunil W. Kohare

..VS..

The Addl. Commissioner & ors.

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

Court's or Judge's orders

Shri H.N. Potbhare, Advocate for the petitioner
Ms. Geeta Tiwari, AGP for the respondent/State
Shri K.D. Deshpande, Advocate for the respondent no. 3

CORAM : Z.A.HAQ, J.
DATED : 24/06/2019

Heard.

The petitioner who got elected as member of the Gram Panchayat is disqualified by the authorities on the ground that he has encroached on the government land. The petitioner is not disputing about the encroachment on the government land, however, according to the petitioner, the encroachment is regularized. To support this contention, the petitioner relies on the copy of revenue records (at page no. 21 of the paperbook of this petition). This document shows that the petitioner has deposited some amount towards unauthorized non-agricultural charges.

On the basis of this document, it cannot be held that the encroachment of the petitioner is regularized. The order passed by the competent authority regularizing the encroachment of the petitioner, as alleged, is not placed on

record. The petitioner has failed to discharge the burden of showing that his encroachment over the government land is regularized. Hence, it cannot be said that the finding of fact recorded by the subordinate authorities is unsustainable.

I see no reason to interfere with the impugned orders.

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

JUDGE

Ansari