

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

WRIT PETITION NO.430/2019

Sau. Asha Pratap Tayade

..Vs..

Datta Ganpat Tajne and others

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

Court's or Judge's orders

Shri D.S. Patil, Advocate for the petitioner.

Shri S.P. Deshpande, Addl. G.P. for respondent Nos.3 and 4.

CORAM : Z.A. HAQ, J.

DATE : 23.1.2019.

Heard.

The petitioner is disqualified to continue as Member of Grampanchayat under Section 14(1)(j-3) of the Maharashtra Village Panchayats Act, 1958 (for short "the Act of 1958") on the ground that she is residing with her husband and two children in a house which is constructed on government land. The submission on behalf of the petitioner is that the alleged encroachment was made by her husband before her marriage with him and, therefore, in these facts, there cannot be disqualification under Section 14(1)(j-3) of the Act of 1958. This submission cannot be accepted as undisputedly the petitioner is residing with her husband and two children in the house which is found to be constructed on government land. Learned Additional Government Pleader has pointed out that the petitioner has not been able to produce any evidence on record to show that she is residing at some other place and not in

the house in question.

I see nor reason to interfere with the findings of fact recorded by the subordinate Authorities. Hence, the writ petition is **dismissed**. No costs.

JUDGE

Tambaskar.