

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

WRIT PETITION NO. 1506/2019

Krushnavati B. Ghosle

..VS..

Divisional 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 S.D. Chopde, Advocate for the petitioner
Ms. K.R. Deshpande, AGP for the respondent/State

CORAM : Z.A.HAQ, J.

DATED : 25/07/2019

Heard.

The petitioner, who got elected as Sarpanch directly as per Section 30A-1A of the Maharashtra Village Panchayats Act, 1958 is disqualified under Section 14 (1) (j-3) of the Act of 1958 on the ground that she has encroached on the government land. Though initially, the contention of the petitioner was that the Sarpanch who is elected directly under Section 30A-1A of the Act of 1958 cannot be disqualified under Section 14 (1) (j-3) of the Act of 1958, the learned advocate for the petitioner has fairly pointed out that by the Maharashtra Act No. LIV of 2018, definition of "member" as per Section 2 (11AAA) is also amended and "member" includes "Sarpanch" also. Hence, the challenge on this point is given up.

As far as merits of the matter are concerned, I find that the findings recorded by the authorities concurrently

holding that the petitioner has not been able to substantiate that her possession over the government land is regularized, cannot be faulted with. The petitioner has not been able to show that her possession over the government land is not an encroachment and it is regularized.

In view of the above, 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