

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

**WRIT PETITION NO.2367/2019**

Ganesh S/o Sonaji Umale

..Vs..

The Additional Commissioner, Amravati Division, Amravati and others

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

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Shri P.S. Kshirsagar, Advocate for the petitioner.  
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**CORAM : Z.A. HAQ, J.**

**DATED : 3.6.2019.**

Heard Shri P.S. Kshirsagar, Advocate for the petitioner and Ms. T.H. Khan, A.G.P. for respondent Nos.1 to 3.

Proceedings under the provisions of the Maharashtra Village Panchayats Act, 1958 (for short "the Act of 1958") were taken and petitioner, who was elected as Member of Grampanchayat and then Up-Sarpanch, came to be disqualified under Section 14(1)(j-3) of the Act of 1958. The appeal filed by the petitioner under Section 16(2) of the Act of 1958 is dismissed by the impugned order. The learned Additional Commissioner has recorded that as the term of petitioner was over, nothing was required to be adjudicated in the appeal.

Now, the contention of the petitioner is that on the basis of the impugned order, the Authorities are seeking to remove the alleged encroachment of the petitioner.

After examining the matter, I am of the view

that the learned Additional Commissioner has rightly disposed the appeal filed by the petitioner, recording that as the term of petitioner was over nothing was required to be adjudicated in the appeal under Section 16(2) of the Act of 1958. However, considering the grievance made by the petitioner, it is observed that the concerned Authorities shall not rely on the order passed by the Additional Collector on 5<sup>th</sup> August, 2016 to remove the alleged encroachment of the petitioner. It would be open for the concerned Authorities as also the petitioner to take appropriate proceedings in the matter according to law. With the above observations, the petition is **disposed**. In the circumstances, the parties to bear their own costs.

JUDGE