

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

WRIT PETITION NO. 2699/2019

Shobha A. Dhage

..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.S. Dhengale, Advocate for the petitioner
Shri K.L. Dharmadhikari, AGP for the respondent/State
Shri S.V. Ingole, Advocate for the respondent no. 3

CORAM : Z.A.HAQ, J.

DATED : 09/09/2019

Heard.

The petitioner, an elected member of the Gram Panchayat is disqualified under Section 14 (1) (j-3) of the Maharashtra Village Panchayats Act, 1958 on the ground that the petitioner / her husband has encroached over the government road by erecting fencing around her residence. The impugned order is challenged mainly on the ground that as per the communication dated 04/05/2018 from the Deputy Engineer to the Collector, the alleged encroachment was not found at the time of inspection on 04/05/2018. The subordinate authorities have recorded finding of fact that the petitioner had erected fencing on the government road. The findings of fact are recorded on the basis of the report and map submitted by the Deputy Superintendent of Land Records, Mangrulpir.

The petitioner has not been able to point out that the report submitted by the Deputy Superintendent of Land Records and the findings of fact recorded by the authorities regarding encroachment over the government road are without any basis and not factually correct. Though the petitioner relies on the communication dated 04/05/2018 sent by the Deputy Engineer to the Collector to urge that the alleged encroachment was not found on 04/05/2018, there is nothing on record to show that the encroachment was not existing from the date of election of the petitioner as member of the Gram Panchayat till 04/05/2018.

As I find that the finding of fact on the point of encroachment by the petitioner over the government road is based on the spot inspection report and map submitted by the Deputy Superintendent of Land Records, I see no reason to interfere with the impugned orders.

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

JUDGE

Ansari