

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

WRIT PETITION NO.3946 OF 2019

(OMKAR BABUSA THORAT & ANR...VS.. MADHUKAR SURYABHANJI THORAT.)

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

Court's or Judge's orders

Shri Amit M. Kukday, Advocate for Petitioners.
Shri Amit Band, Advocate for Respondent No.1.
Ms Geeta Tiwari, A.G.P. for Respondent Nos. 2 and 3.

CORAM : Z.A.HAQ, J.

DATED : JUNE 19, 2019.

Heard.

Petitioner No.1 got elected as Sarpanch and petitioner No.2 got elected as Member of the Gram Panchayat. The respondent No.1 filed application against the petitioners contending that they are encroachers on government land and therefore, they have incurred disqualification as per Section 14(1)(j-3) of the Maharashtra Village Panchayats Act, 1959.

By order dated 29th October 2018, the learned Collector held that the respondent No.1 has proved that the petitioners have encroached on the government land, and declared that the petitioners are disqualified from continuing as Sarpanch and Member of the Gram Panchayat. This order was challenged by the petitioners before Divisional Commissioner in appeal, which is dismissed by the impugned order.

The subordinate Authorities have concurrently recorded that the petitioners are encroachers on the government land. It is recorded that the petitioners have not been able to substantiate that they are occupying the land in question in their own right. Even before this Court, the petitioners have not been able to substantiate that their possession over the land in question cannot be said to be an encroachment. The petitioners have not been able to point out from the record that the finding of fact recorded by the subordinate authorities suffers from illegality or perversity. Hence, I see no reason to interfere with the impugned order.

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

JUDGE

RRaut..