

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

Writ Petition No. 4843/2021

Sau. Rekha w/o. Prakash Burande

..VS..

The Divisional Commissioner, Nagpur and ors.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Dr. Mrs. R.S. Sirpurkar, Advocate for the petitioner
Smt. H.N. Jaipurkar, AGP for respondent nos. 1 to 3/ State

CORAM : AVINASH G. GHAROTE, J.

DATED : 30/11/2021

Heard Ms. Sirpurkar, learned Counsel for the petitioner. The order of disqualification is passed by the Collector and upheld by the Divisional Commissioner under Section 14-1(j-3) of the Maharashtra Village Panchayat Act. Placing reliance upon the report of the Tahasildar, Charmoshi dated 11.06.2021, which states that there is no encroachment and that the entire village is on Government Aabadi Land. It is submitted that the question of compliance of Section 14(1)(j-3) of the Maharashtra Village Panchayat Act, would not arise.

2. It is, however, material to note that after taking this into consideration, the Collector, has categorically found that the construction made by the petitioner, as recorded in the Village From-8A, is on the

Government land. Though, it is correct to say that the entire village being on Government land, there cannot be a case where anyone can be said to be owning land so as to comply with the requirement of Section 14(1)(j-3) of the Maharashtra Village Panchayat Act, it is, however, equally true that there have been several notifications issued by State Government from time to time, prescribing the procedure for regulation of encroachment made on Government land.

3. In the instant case, there is no application filed by the petitioner, seeking recourse to the position as enunciated in the aforesaid notification, considering which, there is no infirmity in the impugned order. Accordingly, the writ petition is dismissed. No costs.

JUDGE