

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.4183 OF 2022

**KAILAS DEVBA GODGHASE
VERSUS
THE DISTRICT COLLECTOR AND OTHERS**

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Advocate for Petitioner : Mr. Rahul O. Awasarmol
AGP for Respondents/State: Mr. P. N. Kutti
Advocate for Respondent No.3: Mr. Rajesh Mewara

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 8th April, 2022

ORDER :

1. By this petition, the petitioner challenges the order dated passed by the District Collector, Hingoli, thereby disqualifying the petitioner from being Member of Village Grampanchayat Rupur Tanda, Taluka Aundha (N) District Hingoli under Section 14 (1)(j-3) of the Maharashtra Village Panchayats Act, 1958 (for short 'the Act, 1958). Respondent no.3 filed application contending that though the petitioner is not a Government Servant or an Employee of Hatta Irrigation Department, Sidheshwar Camp, Taluka Aundha (N), District Hingoli, he is staying at government quarters at Hatta Irrigation Department, Sidheshwar at Rupur Camp, Taluka Aundha

(N), District Hingoli. The petitioner is unauthorizedly staying there by encroaching in the government quarters. Hence, the petitioner has incurred disqualification.

2. The record indicates that two notices on 16/06/2017 and 07/09/2021 are issued to the petitioner that he is unauthorizedly occupying in the government quarters which he should vacate. However till date, the petitioner has failed to vacate the same. Taking into consideration this fact and the record, the District Collector, Hingoli, has rightly disqualified the petitioner .

3. The learned Advocate for the petitioner has placed reliance on panchnama conducted on 30/01/2021 by Police Patil of village Rupur. It is mentioned in the panchnama that at the instance of the petitioner, the panchas and the Police Patil visited spot where the petitioner claimed to be residing along with his family. Police Patil has also attended the said panchnama. The same is conducted in Gut No.6 which is owned by Sandip Shrihari Munthe. The panchnama records that the petitioner is staying along with his family there.

4. Taking into consideration the fact that the said panchnama is conducted at the instance of the petitioner, no reliance can be placed

on the same.

5. In view of notices issued to the petitioner, it is established on record that the petitioner is unauthorizedly occupying the government quarters and therefore, the petitioner has incurred disqualification under Section 14(1)(j-3) of the Act, 1958. There is no error or illegality in the order impugned by the petitioner in the present petition. No case is made out for interference in the impugned order. The writ petition, being devoid of merits, is dismissed.

[NITIN B. SURYAWANSHI, J.]

Sameer