

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8672 OF 2022

Rupesh Yuvraj Patil & others

Petitioners

Versus

The State of Maharashtra & others

Respondents

Mr. A. G. Talhar, Advocate holding for Mr. A. N. Barhate Patil,
Advocate for the petitioners.

Mr. S. N. Morampalle, AGP for respondent/State.

CORAM : M.G. Sewlikar, J.

DATE : 23rd AUGUST, 2022.

PER COURT :

1. Haerd.

2. Learned counsel for the petitioners submits that the petitioners have been disqualified under Section 14(1)(j-3) of the Maharashtra Village Panchayats Act on the ground that the petitioners have encroached upon the Government land. Learned counsel for the petitioners invited attention of this Court to the report of the Talathi indicating therein that the petitioners and others have committed encroachment over the Government land. This report does

not indicate that before making an enquiry, notice was given to the petitioners. It is admitted position that report of encroachment has been furnished without making the measurement.

3. Learned AGP submits that instead of granting interim relief, it would be apposite to direct the learned Divisional Commissioner to decide the appeal within a specified period.

4. In view of this, the petition is allowed. The learned Divisional Commissioner is directed to decide the appeal within a period of one month from the date of receipt of the writ by this Court. Till decision of the appeal, operation of the judgment passed by the learned Collector shall stand stayed. Petition stands disposed of.

(M. G. SEWLIKAR)
Judge