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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8479 OF 2022

Badrinath Sambhaji Ghongade

PETITIONER

VERSUS

Usha Chandrakant Ghongade and Others

RESPONDENTS

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Mr. Sachin S. Deshmukh h/f Mr. Majit S. Shaikh, Advocate the
petitioner

Mr. S. W. Munde, AGP for respondent State

Mr. D. J. Choudhari, Advocate for respondent No.1

Mr. S. B. Pulkundwar, Advocate for respondent No.8

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 27th SEPTEMBER, 2022

ORDER :

1. The petitioner is aggrieved by the order passed by the Additional Commissioner thereby partly allowing the appeal filed by the respondents, challenging their disqualification.
2. By the impugned order, the Additional Commissioner has set aside the disqualification order and remanded the matter back to the Collector for fresh consideration on merits on the points mentioned in the impugned order.
3. It appears from the impugned order that there were discrepancies in the reports filed by different authorities in respect of the encroachment, its extent etc. Therefore, the

Commissioner has partly allowed the matter and remanded the same back to the Collector.

4. No prejudice is likely to be caused to the petitioner by remand of the matter. The petitioner will have opportunity of hearing and presenting his arguments in support of the disqualification of the respondents. In that view of the matter, this Court is not inclined to entertain the challenge raised by the petitioner in this petition.

5. Since this Court is not inclined to entertain this petition, though the learned advocate for the petitioner has argued the matter on merits, the merits are not considered.

6. The Collector is directed to pass appropriate order on merits in accordance with law, after hearing the parties. The parties to appear before the Collector on 6th October, 2022. The Collector shall decide the matter within two months from the date of first appearance of the parties.

7. The writ petition with aforesaid observations is disposed of.

[NITIN B. SURYAWANSHI]
JUDGE