

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 WRIT PETITION NO.11144 OF 2022

SAPADU PANDIT SHINDE PATIL

VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS DIVISIONAL COMMISSIONER AND OTHERS

...

Advocate for Petitioners : Mr Vijay Bhalerao Patil
AGP for Respondent/State : Mr K.B. Jadhavar

CORAM : SANDEEP V. MARNE, J.
DATE : 10th NOVEMBER, 2022

PER COURT :

1. By this petition, the petitioner challenges order dated 14th March, 2022 passed by the Collector, Dhule rejecting the petitioner's application seeking disqualification of respondent No. 4 from the post of Member under the provisions of section 14J (3) of the Maharashtra Village Panchayat Act, 1959. The petitioner also challenges the order passed by the Divisional Commissioner on 14.09.2022 rejecting his appeal.

2. I have heard Mr Patil, learned counsel appearing for the petitioner. The main crux of the argument of Mr Patil is that the Block Development Officer himself did not conduct an enquiry and relied upon the enquiry conducted and report submitted by Gram Panchayat. However, Mr Patil has not been able to produce any provision of law before the Court which mandates conduct of enquiry by the Block Development Officer himself. Therefore, there is no merit in this submission.

3. Both the authorities below have recorded categorical findings that the petitioner is not able to produce any concrete evidence of encroachment by respondent No. 4. Even today, Mr Patil is unable to produce any concrete evidence to show that there has been any encroachment on the part of respondent No. 4 on any government land.

4. In these circumstances, I do not find that this is a fit case to interfere by this Court. Petition is devoid of merits.

5. The writ petition is dismissed with no order as to costs.

[SANDEEP V. MARNE, J.]

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