

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 3522 OF 2021

Sau. Vimal Uttamrao Dhakde,
Age about 51 years,
Occupation – Sarpanch, Grampanchayat
Ratanpur, R/o Ratanpur, Tahsil -
Chandurbazar, District – Amravati.

.... **PETITIONER**

VERSUS

- 1) The Additional Commissioner,
Amravati Division, Amravati.
- 2) The Additional Collector,
Amravati District, Amravati.
- 3) The Secretary,
Grampanchayat, Ratanpur, Tahsil-
Chandurbazar, District – Amravati.
- 4) The Deputy Engineer,
Public Works Department, Subdivision
Chandurbazar, Tahsil – Chandurbazar,
District – Amravati.
- 5) Duryodhan Laxmanrao Jawanjal,
Age about 63 years,
Occupation – Agriculturist,
R/o Ratanpur, Tahsil – Chandurbazar,
District – Amravati.
- 6) Mukesh Vinayakrao Raut,
Age about 43 years,
Occupation – Agriculturist,
R/o Ratanpur, Tahsil – Chandurbazar,
District – Amravati.

.... **RESPONDENTS**

Mr. G.N. Shinde, Counsel h/f. Mr. S.M. Vaishnav, Counsel for the
petitioner,
Mr. K.L. Dharmadhikari, AGP for respondents 1,2 & 4,
Mr. N.A. Gawande, Counsel for respondents 5 and 6.

CORAM : **ROHIT B. DEO, J.**
DATED : **14th JANUARY, 2022**

ORAL JUDGMENT :

It is common ground that the petitioner who is the elected Sarpanch is disqualified on the premise that she encroached on public land.

2. The authority has taken into consideration a map prepared by the Public Works Department. However, it is common ground that the map is prepared behind the back of the petitioner.

3. The contesting parties agree that the matter can be remitted to the Additional Collector, Amravati to decide the application preferred by respondents 5 and 6 afresh after having the disputed spot inspected by an authorised officer, after giving notice of such inspection to the parties.

4. The orders impugned are set aside.

5. The matter is remitted to the Additional Collector, Amravati for fresh decision after inspecting the disputed site through an appropriate officer, who shall conduct the inspection after issuing notice to the affected parties.
6. The Additional Collector, Amravati shall conclude the proceedings and pass final order as expeditiously as possible and in any event, within the next ninety days.
7. The parties shall appear before the Additional Collector, Amravati on 25-1-2022 and apprise the authority this order.
8. No separate notice shall be issued.
9. The petition is allowed in the aforestated terms.

JUDGE

adgokar