

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

29 WRIT PETITION NO. 3744 OF 2023

ASHOK GORAKSHNATH KANTHALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for the petitioner : Mr.S.S.Khoche
AGP for Respondent-State : Mr.S.N.Morampalle
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 03.04.2023

P.C. :

1] Heard the learned counsel for the petitioner.

2] It is the contention of the petitioner that the respondent no. 6 – Upa Sarpanch has encroached upon Gat No.129 of village Narayanwadi, and accordingly, the petitioner moved an application for disqualifying the respondent no. 6 under Section 14 (1) (J-3) of the Maharashtra Village Panchayat Act, 1949. The Collector had called report from the Block Development Officer on the application of the petitioner. Thereafter, the Block

Development Officer has submitted its report and the said report was in favour of the respondent no.6. Thereafter, second report was also called on the application filed by the petitioner. The second report also did not show that the respondent no. 6 has encroached upon Gat No.129. Accordingly, the Collector dismissed the application filed by the petitioner.

3] Thereafter, the petitioner filed an appeal before the respondent no.2 and by order dated 20.02.2022, the respondent no. 2 held that there is no evidence to show that Upa Sarpanch is encroached upon Gat No.129, so also, there is no evidence produced by the petitioner indicating that there is encroachment on the hands of the Upa Saprnach in Gat No.129. In view of the same, the appellate authority also dismissed the appeal filed by the petitioner.

4] The petitioner has not produced any evidence to indicate that the respondent no. 6 Upa Saprnach has encroached upon Gat No.129. However, it is the contention of the petitioner that the Block Development Officer has

supported the respondent no. 6 and in view of support extended by the Administrator the encroachment is not established. Both the Authorities below have not accepted the case of the petitioner and the petitioner is also not able to independently bring on record the evidence against the respondent no. 6 in respect of encroachment on the Government land i.e. Gat No.129.

5] In view of this, I do not see any merit in the present Writ petition, hence, the Writ Petition is dismissed.

[ARUN R. PEDNEKER]
JUDGE

DDC