

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 6362 OF 2023

BHANUDAS EKNATH JAGDALE

VERSUS

ANIL GORAKHNATH WANI AND OTHERS

...

Advocate for Petitioner : Mr. Murge Estling S.

AGP for Respondents/State : Mr. K. N. Lokhande

Advocate for respondent no.1 : Mr. M. S. Karad

...

CORAM : KISHORE C. SANT, J.

DATE : 15th JUNE 2023.

Per Court :

Heard the parties.

1. Considering the nature of challenge in this petition, this Court decided to take up the matter for final disposal. The petitioner had challenged the order dated 15.05.2023 passed by the learned Additional Commissioner, thereby refusing to grant stay to the judgment and order dated 02.05.2023 passed by the learned Collector, Aurangabad. The petitioner is declared disqualified under Section 14(1) J-3 of the Maharashtra Village Panchayat Act, that is for

encroaching upon the Government land or public property. It is specific contention of the petitioner that as a matter of fact the property on which the encroachment is shown, belongs to some other persons. There are contrary reports submitted before the Collector and still Collector has passed an order and therefore it was necessary to grant stay to the judgment and order, impugned in the appeal before the Commissioner.

2. The learned Advocate for respondent no.1 so also the learned AGP submits that in fact the hearing before the Additional Commissioner is kept on 21.06.2023 and the appeal is likely to be heard finally on that day.

3. Considering the facts of the case, notice against respondent no.5 and 6 is not necessary.

4. Considering the above position, this petition can be disposed off, granting stay to the order passed by the learned Collector dated 02.05.2023 (Exhibit-I to the petition), till final disposal of the appeal

pending before the learned Additional Commissioner bearing No.2023/Grampanchayat/Appeal-2/CR-67. With this, the petition stands disposed off. The learned AGP to intimate about the order to learned Commissioner.

5. It is expected from the learned Commissioner that he would decide appeal within a period of six weeks from today.

[KISHORE C. SANT, J.]

Najeeb.