



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

Writ Petition No.6835/2023

Ishwar V Additional Collector, Nagur and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. U.P. Dable, Adv for petitioner.

Mr. Tidke, Adv for resp. no.5/Caveator.

Mrs. S.S. Jachak, Addl.GP for resp. nos. 1 to 3 and 6.

CORAM : AVINASH G GHAROTE J.

DATE : 10-10-2023

The petition questions the order dated dated 06-03-23 by which the petitioner has been dis-qualified u/s 14(1)(j-3) of the Maharashtra Village Panchayats Act, on account of his son having committed an encroachment upon Government land of Khasra No.41 (pg 19). The appeal there against has been dismissed by the learned Commissioner by an order dated 23-08-23 confirming the finding.

2. Mr Dable, learned Counsel for the petitioner submits that the factum of the encroachment by the son of the petitioner, has not been conclusively proved as according to him some portions of G. No.41 have been allotted to Gondwana Museum and to the Surabardi Gram Panchayat for crematorium as per the entries made in the 7/12 extract and therefore according to him the finding regarding the encroachment cannot be sustained and the impugned orders are required to be quashed and set aside.

3. Mr. Tidke, learned Counsel for respondent no. 5 /complainant and Mrs. Jachak, learned AGP for respondent nos. 1 to 3 and 6, support the impugned order.

4. A perusal of the entries in the 7/12 extract in respect of G.No. 41 indicate the transfer of the some portion of G.No.41 in favour of the Surabardi Gram Panchayat for crematorium and Gondwana Museum. It is however material to note, that the dates of these transfers are missing. Mr. Dable, learned Counsel for the petitioner has been not able to point out the date of such transfer. As against this the entry in the encroachment register, which records that the son of the petitioner has made an encroachment to the extent of 27x35 sq.ft. by constructing a tin shed, is admittedly for year 2019-20. Thus, nothing turns upon the entries made in the 7/12 extract in favour of the Surabardi Gram Panchayat or Gondwana Museum. The factum of encroachment by the son of the petitioner having been established on record and nothing having been pointed out to enable me to take a different view. I do not see any reason to interfere in the order impugned in this petition. The petition is dismissed. No costs.

JUDGE