



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

WRIT PETITION NO.8220 OF 2022

Sachin S/o Dnyaneshwar Rasekar .Vs. Additional Commissioner, Amravati Division,
Amravati and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms Shreya Jain, Adv. h/f Shri S.S. Dhengale, Adv. for petitioner.
Shri D.P. Thakare, A.G.P. for respondent Nos.1 and 2/State.
Shri V.M. Kulsange, Advocate for respondent No.3.

CORAM : ANIL S. KILOR, J.

DATED : 06/09/2023

1. The petitioner came to be disqualified as a member of Gram Panchayat Mahoda, Tah. Wani, District Yavatmal under Section 14(1)(J-3) of the Maharashtra Village Panchayat Act, 1959, for allegedly encroaching upon the Government land.

2. The Collector in its order dated 21.10.2022 has recorded finding that from revenue entry Gaon Namuna 8, it is evident that, the petitioner has encroached upon the government land.

3. However, the reply filed by the petitioner before the Additional Collector shows that there was a specific point was raised by the petitioner that in the revenue record earlier the name of the petitioner was entered as owner and subsequently, the name of

government was entered into it. A specific objection was raised to the scoring made and entering the name of the government in the revenue record. In light of the same a request was made to make an enquiry.

4. Though the above referred issue goes to the roots of the matter, no enquiry was conducted by the Additional Collector before disqualifying the petitioner. There are no reason or finding recorded by the Additional Collector why the point raised by the petitioner was discarded by the Additional Collector.

5. In that view of the matter, I am of the opinion that, the Additional Collector has committed error in disqualifying the petitioner. As the Additional Commissioner has upheld the order of the Additional Collector which vitiates for the reason that no proper enquiry was made, consequently the order of Additional Commissioner vitiates too.

6. In the circumstances, I pass the following order:

- i) The writ petition is **allowed**.
- ii) The impugned order dated 21.10.2022 passed by the Additional Commissioner, Amravati in

Appeal No.36 BVP-16(2)/Mohada/2022 and impugned order dated 08.06.2022 passed by the Additional Collector in Appeal No.36/BVP 16(2)/Mohada/2022, are hereby quashed and set aside.

- iii) The matter is remanded back to the Collector for deciding the same afresh after making necessary enquiry into the change of revenue record.

Writ Petition is **disposed of** accordingly. No order as to costs.

JUDGE