



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

WRIT PETITION NO. 144 OF 2024

1. Vijaya Alias Ujjwala Babasaheb Bhondge,
Age 55 years, Occu. Agril.,
R/o. Muthewadgaon, Taluka Shrirampur,
District Ahmednagar .. Petitioner

Versus

1. The State of Maharashtra
Through Secretary
Department of Social Justice and Special
Assistance Mantralaya, Mumbai

2. The Commissioner
Nashik Region, Nashik

3. The Collector, Ahmednagar
District Ahmednagar

4. Ravindra Dinkar Muthe
Age 36 years, Occu. Agri.,
R/o. Muthe Wadgaon, Taluka Shrirampur,
District Ahmednagar .. Respondents

Mr. Manoj A. Dond, Advocate for the Petitioner;
Mrs. M. L. Sangit, A.G.P. for the Respondents No.1 to 3/State

CORAM : S. G. MEHARE, J.

DATE : 04-01-2024

PER COURT :-

1. Heard the learned counsel for the petitioner and the learned A.G.P. for respondents No.1 to 3.
2. The petitioner has obtained urgent circulation contending that the final order has been passed by the Additional Commissioner, Nashik Division, Nashik, against her disqualification as a member of Village Panchayat.
3. However, during the course of hearing, the learned A.G.P. brought to the notice of this Court that the appeal against the

order of the District Collector is pending before the Additional Commissioner, Nashik Division, Nashik. She submits that since the appeal is pending, this Court cannot interfere with the order of District Collector. She also submits that the remedy available has already been exercised. This petition is, therefore, misconceived.

4. In reply, the learned counsel for the petitioner submits that alongwith appeal before the Additional Commissioner, Nashik Division, Nashik, an application for stay has been moved, but the Commissioner has given the longer date.

5. The reason for approaching this Court appears unjustifiable and amounts to abuse of process of law. The petition is misconceived. Since the appeal against the order of District Collector declaring the petitioner disqualified for encroachment on the Government land is pending, the writ petition is not maintainable for the sole reason that the longer date has been given for hearing stay application.

6. Considering the conduct of the petitioner, the cost may be imposed upon such petitioner. Thus, the order;

ORDER

- (i) Writ petition stands dismissed with cost of Rs.10,000/- (Rs. Ten Thousand) to be deposited with the Library, District Court at Shrirampur, District Ahmednagar.
- (ii) The cost be deposited within two weeks from today and its acknowledgment be produced before the Registrar (Judicial) of this Court.

(S. G. MEHARE, J.)