



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

WRIT PETITION NO. 8201 OF 2024

KIRAN DAMODHAR MORE

VERSUS

**THE STATE OF MAHARASHTRA THROUGH DEPARTMENT OF
RURAL DEVELOPMENT AND OTHERS**

...

Mr. D. P. Palodkar h/f Mr. Shubham S. Khoche, Advocate for the
Petitioner.

R. R. Tandale, AGP for Respondents-State.

...

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 05th AUGUST, 2024.

P.C.:-

1. The petitioner impugns order dated 23.04.2024 passed by respondent no.3-Divisional Commissioner, Chhatrapati Sambhajnagar in Gram Panchayat/Appeal.2/CR.519, by which proceeding is remanded back to the Collector in respect of alleged disqualification of respondent nos.9 to 11 in terms of Sections 14(J-3) read with 16 of the Maharashtra Village Panchayat Act, 1958.

2. Mr. Palodkar, learned Advocate appearing for the petitioner invites attention of this Court to the report dated 24.11.2021 submitted by Block Development Officer, Panchayat Samiti, Paithan to contend that there is sufficient material to conclude that private respondents have encroached upon Government land. According to him, learned Divisional Commissioner ought to have passed disqualification order accepting aforesaid report.

3. Perusal of impugned order would show that learned Divisional Commissioner has directed detailed enquiry in respect of contents of application as well as report of Block Development

Officer. It is trite that, if disqualification order is to be passed, there has to be concrete material to conclude that member of village panchayat has encroached upon Government land. The learned Divisional Commissioner observing certain deficiencies in in the order of the Collector partly allowed Appeal filed by the petitioner and remanded matter back for re-enquiry.

4. Considering the reasons as recorded by the Divisional Commissioner, no fault can be found in the order so far as it remands the matter for the purpose of enquiry. However, considering the nature of litigation, it would be appropriate for Collector to decide the proceeding as expeditiously as possible and within a period of eight (08) weeks from the date of this order.

5. Writ Petition stands dismissed with aforesaid directions.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/August-2024