



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13628 OF 2023

VIJAYA SHIVAJI DEOKAR
VERSUS
THE ADDITIONAL COMMISSIONER AND OTHERS

Mr. P. S. Chavan, Advocate for the petitioner
Mr. S. B. Jadhav, AGP for the respondent/State

CORAM : S. G. CHAPALGAONKAR, J.
DATE : 27th AUGUST, 2024

P.C. :-

1. The petitioner has been disqualified as a member of village panchayat in terms of Section 14(1)(j-3) of the Maharashtra Village Panchayat Act, 1958. The petitioner impugns the order of such disqualification in this writ petition.

2. Mr. Chavan, learned advocate appearing for the petitioner endeavors to point out that there is absolutely no material to indicate that petitioner had encroached on government land, the learned Collector has erroneously passed order disqualifying the petitioner.

3. Learned AGP points out that the petitioner was elected for the term from 2017 to 2022 as a member of village panchayat. He has already suffered the disqualification and the issues raised in this writ petition are rendered academic. Mr. Chavan counters the aforesaid

submissions saying that in future the findings recorded by the Collector may come in his way and disqualification may be raised against him giving reference to the observations of the Collector in impugned order.

4. Having considered submissions advanced, apparently term of village panchayat for which petitioner was elected has been expired in the year 2022. Therefore, this Court would not get into the merits of the matter and decide the academic issues. However, it is made clear that in case in future, if petitioner faces the issue of disqualification, the findings recorded by the Collector in impugned order shall not come in his way. In that contingency authorities shall independently take decision without influenced by observations in the impugned order.

5. With the aforesaid observations, writ petition stands disposed of.

(S. G. CHAPALGAONKAR, J.)

ssp