

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

5 WRIT PETITION NO. 4388 OF 2024

MEERA ANGAD JADHAV

VERSUS

THE ADDITIONAL DIVISIONAL COMMISSIONER AND OTHERS

...

Advocate for the Petitioner : Mr. Chavan Sudhir K.
AGP for Respondent Nos. 1 & 2/State : Mr.A.S. Shinde
Advocate for Respondent No. 3 : Mr. R. T. Deshmukh

...

CORAM : S. G. MEHARE, J.

DATE : 29th APRIL, 2024.

PER COURT :

1. Issue notice to the respondents.
2. Learned AGP waives service of notice for respondent Nos. 1 & 2.
3. Learned Counsel Mr. Deshmukh, waives service for notice for respondent No. 3.
4. Heard the learned counsel for the petitioner, the

learned AGP for respondent State and learned Counsel for the Respondent No. 3.

5. Prima-facie it appears that the petitioner had purchased a land from one Rambhau Kale and constructed a house. It has been alleged that he encroached upon the Government land. He did not leave area/space from front side while constructing the house and he violated the building by-laws. Hence a question would be whether the transfer of the Government land allotted to the "X" by sale deed to 'Y' person is encroachment and whether the violations of by laws is also an encroachment as provided under Section 39 (1) of the Maharashtra Village Panchyat Act. Though it has been argued that it was legal transfer of the plot and the building by laws have not been violated it has not been considered. In view of the issue involved, the petitioner has a good case for interim protection.

6. Hence the learned Additional Collector is directed not to declare the election for the ward from which the petitioner is elected and he should not be removed from the post of

Member of the Village Panchyat, till next date, in view of the impugned order.

7. Stand over to 13.06.2024.

(S. G. MEHARE)
JUDGE

mahajansb/