

Nikita

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3071 of 2024

Vinod Bharat Raut

... Petitioner

V/s.

The Additional Divisional Commissioner,
Pune Division Pune.

... Respondent

Mr. Vishal M. Dhamal for the Petitioner.

Mr. Hamid D. Mulla, AGP for the State-Respondent
No.1, 2 and 5.

CORAM : AMIT BORKAR, J.

DATED : MARCH 5, 2024

P.C.:

1. The petitioner is challenging order passed dated 21st November 2023 passed by Additional Divisional Commissioner, Pune dismissing appeal against an order passed by Collector disqualifying petitioner under Section 14 (1)(j-3) of the Bombay Village Panchayat Act, 1958.

2. The Petitioner was elected as member of Grampanchayat for period of 2021 to 2025. The Respondent No. 3 filed an application before Collector for disqualification of petitioner on the ground that petitioner's father unauthorizedly constructed over the land at Gat No.388 which is Gairan.

3. The petitioner contested the proceedings by filing reply. It is

submitted that the Revenue record of property No.388 is not in the name of the petitioner. The entry of property No.388 in the revenue record is in the name of Sahebrao Raut not as a Karta of joint family

4. The Collector based on revenue record, recorded a finding that land Gat No.1 admeasuring 6.56 hectare is owned by the Government. In the revenue record, of Grampanchayat, Gat No.388, occupant is shown as father of the petitioner. The record indicates that the construction was carried out in the said property in the year 2010.

5. The collector also recorded a finding that there is no serious dispute that petitioner's father is residing in the Grampanchayat House No.388.

6. The Supreme Court in the case of **Janabai Vs. Additional Commissioner and Ors.** reported in (2018) 18 SCC 196 has held that the disqualification under Section 14(1)(j-3) is directed even in relation to the family member of elected person.

7. Therefore, based on material on record, findings recorded by the collector that petitioner's father encroached over the government land does not suffer from legal infirmity.

8. The writ petition is disposed of. No costs.

(AMIT BORKAR, J.)