

VRJ

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

WRIT PETITION NO.6487 OF 2024

VAIBHAV
RAMESH
JADHAV
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Abhijeet Umapati Desak	... Petitioner
V/s.	
Jani Shankar Vartha & Ors.	... Respondents

Mr. S.S. Redekar with Mr. Nitin Bhoir and Mr. Yogesh Rawool for the petitioner.

Ms. V.R. Raje, AGP for the State/respondent Nos.2 and 4 to 6.

CORAM : AMIT BORKAR, J.

DATED : MAY 2, 2024

P.C.:

1. According to the complainant, the petitioner and his family members constructed over the government property bearing Survey No.36. The petitioner raised a defence that his construction is over Survey No.8. Both the authorities below have cast burden of proof on the petitioner to show that his construction is not on the government property. However, as per settled law, the initial burden to prove disqualification is always on the complainant or the authority who is seeking to disqualify elected person. Hence, the petitioner has made out a case for grant of ad-interim relief.
2. Issue notice to respondent No.1, returnable on **18 June 2024**.
3. Till 18 June 2024, there shall be ad-interim relief in terms of

prayer clause (c).

4. Learned AGP waives notice for respondent Nos.2 and 4 to 6/State.

(AMIT BORKAR, J.)