

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

**VASANT
ANANDRAO
IDHOL**

WRIT PETITION NO. 9316 OF 2024

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Ramdas Maruti Dhage

...Petitioner

Versus

State Of Maharashtra And Ors.

...Respondents

Mr.Prathamesh Bhargude with Mr.Sumit Sonare and Mr.Sharad Dhore for the Petitioner.

Mr.Ketan Joshi, "B" Panel Counsel for the Respondent Nos.1 to 4 – State.

CORAM : AVINASH G. GHAROTE, J.

DATE : 4th JULY 2024

P.C.:

1. The petitioner has been disqualified under Section 14 (1) (j-3) of Maharashtra Village Panchayat Act, 1958 (MVP Act) on the ground that the father of the petitioner has encroached upon part of the Government land Gat No.267, which is land reserved for grazing by constructing the Tin Shed and other constructions. The only reason to hold this, by both the Authorities below, is the Gaon Namuna No.8, which is an assessment list for payment of taxes of houses constructed in the village, and is of property No.003, which is in the village (Gaonthan). There is no dispute that the land of Gaonthan is inside

the village, whereas Gairan land is land reserved for grazing. That being the position, it is contended that the entry in Gaon Namuna No.8 could not have been relied upon for holding that there is an encroachment on the Government land. That apart, it is contended that there is no measurement whatsoever regarding the extent of area allotted to the father under the Indira Awas Yojana, which was 240 sq. ft. so as to demonstrate that the father of the petitioner, was occupying something more than that.

2. Issue notice to respondent no.5 for final disposal, returnable 29.7.2024. Mr.Ketan Joshi, “B” Panel Counsel waives notice for the Respondent Nos.1 to 4. Notice be served to respondent No.5 before the returnable date. By way of *ad-interim* order, the effect and operation of the impugned orders shall stand stayed till the returnable date.

(AVINASH G. GHAROTE, J.)