

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11207 OF 2024

Sharad Babaso Navale Petitioner

V/s.

The Grampanchayat Valivade & Ors. Respondents

Mr.Sumit Sonare i/b Ms.Arati Shaha, for the Petitioner.

Mr.Ketan Joshi 'B' Panel Advocate, for Respondent Nos.4 and 5-
State.

CORAM : R.M. JOSHI, J.

DATE : 13th AUGUST 2024

NILAM
SANTOSH
KAMBLE

Digitally signed by
NILAM SANTOSH
KAMBLE
Date: 2024.08.14
10:50:28 +0530

P.C:-

. Heard.

2. The learned counsel for the Petitioner submits that without recording any finding of the fact that the Petitioner has carried out alleged construction on the encroached property or that he has residing or enjoying the said property, the order dated 7th June 2024 came to be passed under Section 14(1)(j-3) of the Maharashtra Village Panchayats Act, 1958. In order to substantiate his contention he drew attention of this Court to the order passed by the Collector wherein according to him finding is

recorded that, the father of the Petitioner has carried out encroachment but there is no finding to the effect that the Petitioner is residing therein or is getting any benefits therefrom. It is his submission that, in the Appeal filed against the said order passed by the Collector an Application was moved for stay of the impugned order. This Application came to be rejected on 22nd July 2024 on the ground that the Petitioner has failed to produced any documentary evidence to support his Application. It is his submission that the Appellate Authority ought to have considered finding recorded by the Collector wherein there is no finding to indicate that the Petitioner has encroached on the Government property or carried out any construction or he has been enjoying the said construction.

3. Having regard to above facts as narrated on behalf of Petitioner and *prima facie* going through order passed by Collector disqualifying Petitioner from membership of Gram Panchayat, it seems that no findings are recorded for attracting disqualification under Section 14(1)(j-3) of the Act. Thus arguable & *prima facie* case is made out by the Petitioner to stay

the order passed by the Collector. In the result there would be stay to the order dated 7th June 2024 passed by the Collector, Kolhapur in Disqualification Proceeding No.2 of 2023, till next date of the hearing.

4. Issue notice to the Respondents, returnable on 11th September 2024.

5. Mr.Ketan Joshi, 'B' Panel Advocate waives service for Respondent Nos.4 and 5.

(R.M. JOSHI, J.)