

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 11931 OF 2024**

Bhanudas s/o. Mahadu Chordhe and Anr.

... Petitioners

Versus

State of Maharashtra and Ors.

... Respondents

.....

Mr. Ranjit G. Jadhav, Advocate for the Petitioners.

Smt. Snehal Jadhav, AGP for the Respondent-State.

CORAM : R. M. JOSHI, J.**DATED : 26th AUGUST, 2024.****P.C. :****1.** Heard.

2. Learned counsel for the petitioners submits that the Collector as well as Additional Commissioner in ignorance of the resolution passed by Gramsabha dated 26.01.2020, wherein it is recorded that there is no encroachment carried out by the petitioners, have proceeded to disqualify them for the reason that they have encroached upon the Government land or public property as contemplated under Section 14(1)(j-3) of Maharashtra Village Panchayat Act. He also drew attention of the Court to the spot inspection report which indicates that there was no encroachment at all on the Grampanchayat land done by the petitioners herein. According to him, the order of disqualification has been passed only on the basis of the record which indicates the names of the present petitioners in

the record of Grampanchayat as persons having house on the property of the Grampanchayat, and that petitioners even before filing of the complaint had moved application for cancellation of said entry and removal of their name from the record of Grampanchayat.

3. Having regard to the aforestated facts prima facie case is made out by the petitioner to the effect that the Collector as well as Additional Commissioner have failed to take into consideration spot inspection report as well as the resolution of Grampanchayat dated 26.01.2020 which indicates no encroachment being done by the petitioners on Government land. Further there is no dispute about the fact that the order passed by the Collector disqualifying the petitioners was stayed during the period of the appeal before the Divisional Commissioner, as such case is made out by petitioners for grant of ad-interim relief.

4. Hence, issue notice to the respondents, returnable on **25th September, 2024**. Since arguable and strong prima facie case has been made out by petitioners, till the next date of hearing there shall be stay to the orders passed by the Collector as well as Divisional Commissioner disqualifying the petitioners.

(R. M. JOSHI, J.)