



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No.2419/2022

(Vishwanath V Divisional Commissioner, Amravati and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R.D. Dhande, Advocate for petitioner.
Ms R. Nitnaware, Advocate for respondent no.3.
Ms. P. Joshi, AGP for respondent nos.1, 2 and 6.

CORAM : N.R. Borkar, J.

DATE : 22-10-2024.

This petition takes exception to the order dated 08-04-2022 passed by respondent No.1- Divisional Commissioner, Amravati in Appeal No.81/MVP, 1959, Section 16(2)/ Chatari-Patur-Akola/2022.

ii. The petitioner was elected as a Member of Gram Panchayat Chatari, Taluka Patur, District Akola.

iii. Respondent No.3 herein had filed an application before respondent No.2-the Collector, Akola to disqualify the petitioner from continuing as a Member of the Gram Panchayat in terms of Section 14 (1) (j-3) of the Maharashtra Village Panchayats Act, 1958, for having committed encroachment on Government land. By order dated

24-02-2022 the respondent No-2 allowed the said application.

iv. By the order impugned, respondent No.1 has dismissed the appeal filed by the petitioner against the order of respondent No.2.

v. I have heard the learned Counsel for the parties.

vi. Respondent No.2 to disqualify the petitioner has relied upon the joint spot inspection report dated 10-12-2021 of the Secretary, Gram Panchayat, Chatari and Assistant Engineer (Civil) Panchayat Samitee, Patur. I have perused the said spot inspection report. There is no specific finding in the said spot inspection report in relation to the alleged encroachment. In that view of the matter, the orders impugned cannot be allowed to stand.

vii. The matter is remanded back to respondent no.2 for deciding it afresh.

viii. The petition is disposed of in the aforesaid terms.

(N.R. Borkar, J.)