



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

Writ Petition (WP) No. 2497 of 2024

Sangeeta W/o Raju More

Versus

Additional Divisional Commissioner, Amravati and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P.B.Patil, Advocate for the petitioner.

Ms. Sangeeta Jachak, AGP for the respondent nos. 1 to 3.

CORAM : ANIL S. KILOR, J.

DATED : 12th APRIL, 2024.

Heard.

2. The petitioner was disqualified as Sarpanch of Gram Panchayat Hanvatkhed, Tq. Shindkhed Raja, District Buldhana under Section 14(1)(j-3) of the Maharashtra Village Panchayats Act, 1959 alleging that her husband has encroached over the Government Land.

3. It is the case of the petitioner that the document Gaon Namuna-8, itself is a fabricated one and there is no property no. 196 is in existence.

4. I have perused the record and the impugned order.

5. From the record, it is evident that despite a specific objection raised by the petitioner about the existence of property no. 196 which alleged to have encroached by the husband of the petitioner, no report was called by the Collector before arriving at a definite conclusion of.

6. It is to be noted that when the petitioner moved an application for calling such report, the Collector has observed that at the time of final hearing the necessity would be considered. However, at the time of final decision, the Collector has observed that there is no necessity to call such report. Further, no reasons are recorded for arrived at such conclusion.

7. Moreover, it is pointed out that in the appeal before the Additional Commissioner, Amravati the application for stay was filed, which was not decided by the Additional Commissioner. In the meantime, the Tehsildar, Sindkhed Raja, Dist. Buldhana published the election programmes and accordingly, the election is scheduled to be held on 15th April, 2024.

8. In the circumstances, I am of the opinion that this writ petition can be disposed of with a direction to the Additional Commissioner, Amravati to decide the stay application.

9. Accordingly, the writ petition is disposed of with a direction to the Additional Commissioner, Amravati to decide the stay application within 15 days from today.

10. In the meantime, there shall be stay to the election till the decision of the stay application.

11. At this stage, Shri Patil, learned counsel for the petitioner seeks further protection of 15 days if the stay application is rejected by the Additional Commissioner, Amravati.

12. Considering the case of the petitioner that documents of the property which alleged to have encroached by the husband of the petitioner are forged one, I am of the opinion that 15 days protection needs to be granted.

13. In the circumstances, if the application for stay is rejected by the Additional Commissioner, Amravati, the stay to election shall continue for 15 days from the date of such order.

14. The parties are directed to act upon the authenticated copy of this order.

[ANIL S. KILOR, J.]