



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

WRIT PETITION NO. 1361/2024

Dr. Bhushan Dulaji Gawande
Vs.
Additional Commissioner, Amravati and others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S.S. Shingane, Advocate for petitioner
Mrs. Deepa Charlewar, AGP for Respondent Nos.1 and 2
Mr. A.V. Band, Advocate for Respondent No.4

CORAM: N.R. BORKAR, J.

DATED : 23rd JULY, 2024

This petition takes exception to the order dated 05.02.2024, passed by respondent No.1 - Additional Commissioner, Amravati.

2. The respondent No.4 herein had filed an application in terms of Section 14(1)(j-3) of the Maharashtra Village Panchayat Act, alleging that the petitioner stood disqualified to continue as Member of the Grampanchayat for having committed encroachment on the Government land bearing Get Nos.295 and 296. By order dated 04.11.2022, respondent No.2 - Collector, Washim allowed the said application.

3. The petitioner filed the appeal before respondent No.1 against the order of respondent

No.2. By the order impugned respondent No.1 has confirmed the order passed by respondent No.2.

4. The learned counsel for the petitioner submits that according to the respondent No.4 the petitioner is a member of Hindu undivided family and father of petitioner has encroached upon the Government land bearing Gat Nos.295 and 296 to the extent of 0.05 HR while fencing the land owned by them. The learned counsel submits that documents were filed to show that they have not done any encroachment and that the petitioner already got separated from his father.

5. The learned counsel for the petitioner has placed on record the report of the Deputy Superintendent of Land Record to show that they have not done encroachment as alleged.

6. I have perused the impugned orders. The respondent No.2 has discarded the report of the Deputy Superintendent of Land Records on the ground that the fencing was already removed prior to carrying out the measurement by the Deputy Superintendent of Land Records. However, there is nothing in the report to draw such inference. Apart from it, the respondent No.2 has ignored the revenue record in respect of partition between the petitioner and his father. The orders impugned therefore cannot be allowed to stand. The

impugned orders are thus quashed and set aside. The petition is allowed in the above terms. No costs.

(N.R. BORKAR, J.)

MP Deshpande