



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 2005 OF 2024

Balkrushna Baban Abagad

-Vs.-

Additional Commissioner, Amravati Division and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.N.A.Gawande, counsel for the petitioner.
Mr.H.D.Futane, AGP for the respondents-State.

CORAM : B. P. DESHPANDE, J.

DATE : 26TH MARCH, 2024

Heard the learned counsel for the petitioner.

2. The challenge in the present petition is order dated 23/02/2024, issued by the Additional Commissioner, Amravati thereby rejecting the appeal and confirming the order passed by the Collector, Akola, whereby disqualifying the petitioner on the ground that he encroached upon the Government land.

3. The learned counsel for the petitioner would submit that the petitioner is in possession of self acquired property and some corrections were made in the survey records in assessment register without intimating the petitioner or without an application filed by the petitioner. Thereafter, the Secretary, Gram Panchayat Deori vide letter dated 26/04/2023 informed the Collector that the petitioner is in possession of excess land. The learned counsel for the petitioner would submit that there is no finding that such

excess land as alleged belongs to the Government, whereby violating the provisions of section 14 of the Maharashtra Village Panchayat Act.

4. Issue notice to the respondents, returnable on 16/04/2024.

5. Learned Assistant Government Pleader Mr.H.D. Futane waives service of notice on behalf of respondent Nos.1 and 2.

6. Apart from regular service, service by other mode is permitted.

7. Since the stay was in operation till the disposal of the appeal, the same shall continue till the next date as per prayer clause “c”.

JUDGE