



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH: NAGPUR
WRIT PETITION NO. 2154 OF 2024**

Sau. Kanchan w/o. Arvind Kadav ...Petitioner
Versus
1. Divisional Commissioner, Nagpur
Division, Nagpur
2. Additional District Collector,
Bhandara,
3. Secretary, Gram Panchayat, Tadgaon
4. Talathi – Dhop, Gram Panchayat, Tadgaon
5. Shri. Shravan s/o. Sitaram Doye ...Respondents
WITH
CIVIL APPLICATION NO. 1503 OF 2024

Ms Ayushi Dangre for the Petitioner.
Ms Prachi Joshi for the Respondent/State.
Mr. M.V. Rai for Respondent No.5.

CORAM : N. R. BORKAR, J.
DATE : 13 JUNE 2024.

PC:-

1. This petition takes exception to the order dated 7.3.2024 passed by respondent No.1 - Divisional Commissioner, Nagpur in V.P.A. No.01/2023-24.
2. The petitioner was elected as a Member of Gram Panchayat, Tadgaon. Respondent No.5 herein had filed the application before the respondent No.2- Collector alleging that the family of the present petitioner has constructed a house by encroaching on the government land. It is alleged that the petitioner has thus incurred disqualification from continuing as a Member of Grampanchayat in terms of Section 14(1)(j-3) of the Maharashtra Village Panchayat Act, 1958.

3. The learned Collector by order dated 7.12.2022 has rejected the said application filed by the respondent No.5. The learned Divisional Commissioner, however, by the order impugned, has allowed the appeal filed by respondent No.5 and the petitioner has been disqualified from continuing as a Member of Grampanchayat, Tadgaon.

4. I have perused the impugned order. The learned Divisional Commissioner on the basis of material on record has accepted the case of respondent No.5 in relation to the alleged encroachment. The learned Divisional Commissioner on the basis of statement of husband of the present petitioner has recorded the finding that the present petitioner is residing in the house in question along with her husband. The said findings are not shown to be perverse. In that view of the matter, no interference is called for the impugned order. Hence, the Petition is dismissed.

5. Civil Application does not survive and the same is disposed of.

(N.R. BORKAR, J.)