



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 WRIT PETITION NO. 2521 OF 2023

VIKAS S/O. SHANTARAM PURKAR
VERSUS
THE ADDITIONAL DIVISIONAL COMMISSIONER AND OTHERS

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Mr. Vivekanand V. Gujar – Advocate for Petitioner
Mr. K.B. Jadhavar – Advocate for Respondent Nos.1 and 2, State
Mr. G.V. Wani – Advocate for Respondent No.3

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 03.12.2025

PER COURT :

1. Heard learned Counsel for the respective parties.
2. The petitioner assails the order dated 14.09.2022 passed by the learned Additional Divisional Commissioner, Nashik in Gram Panchayat Appeal No.74/2022, whereby the appeal filed by petitioner came to be rejected and the order dated 09.05.2022 passed by the learned District Collector, Jalgaon in Gram Panchayat Dispute No.10 of 2022 was confirmed.
3. The petitioner filed a complaint before the District Collector, Jalgaon, alleging that respondent No.3 had incurred disqualification on the ground of having a third child born on 09.09.1997. Initially, the complaint was filed against two persons. As regards respondent No.3, the complaint came to be dismissed by the District Collector.

4. Being aggrieved thereby, the petitioner filed an appeal before the Additional Commissioner, which also came to be dismissed. Consequently, respondent No.3, who is holding the post of Sarpanch, continues to occupy the said post.

5. Learned Counsel for the petitioner submits that one lady whose affidavit was considered by the District Collector was forced to give the affidavit. It is further contended that even otherwise respondent No.3 has incurred disqualification on the ground that a fourth child, namely Nayan being born on 05.04.2018. In support of his contention he submits that first child of respondent No.3 was born on 02.04.1993, the second child on 17.07.1995, the third child on 09.09.1997 and the fourth child on 05.04.2018. In support of the submissions, reliance is placed on the birth certificates issued by the authorities at Amravati. It is submitted that despite the said material on record, both the authorities have failed to consider this aspect.

6. Per contra, learned Counsel for respondent No. 3 – Mr. Wani submits that before the District Collector, the said lady appeared and filed her affidavit specifically stating that she is the wife of one Sandeep Sapkale and that a child by name Nayan was born out of the said wedlock. It is further submitted that Sandeep Sapkale also filed his affidavit and produced the marriage certificate. After considering the affidavits and documentary evidence placed on record, the District

Collector rightly dismissed the complaint.

7. Being aggrieved by the said order, the petitioner preferred an appeal, which was also came to be dismissed by the Additional Commissioner.

8. Having heard learned Counsel for both the sides, it is apparent that before the District Collector, the lady namely Sunita along with her husband appeared and filed affidavits and the marriage certificate. On consideration of the said material, the District Collector dismissed the dispute against respondent No.3. The said findings have been confirmed by the Additional Commissioner. As the contentions raised before the District Collector have been duly considered and the findings are supported by affidavits and documentary evidence, I find no reason to interfere with the order dated 14.09.2022 passed by the learned Additional Divisional Commissioner, Nashik in Gram Panchayat Appeal No.74/2022 and the order dated 09.05.2022 passed by the learned District Collector, Jalgaon in Gram Panchayat Dispute No.10 of 2022 under Article 227 of the Constitution of India.

9. In view thereof, the Writ Petition is dismissed. No order as to costs.

[SIDDHESHWAR S. THOMBRE]
JUDGE