



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

33 WRIT PETITION NO. 4423 OF 2025

RAJUBAI RAVINDRA PATIL

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS

Mr. J.V. Patil, Advocate for the petitioner.
Mr. K.S. Patil, AGP for the respondent-State.
Mr. U.S. Patil, Advocate for respondent Nos. 4 to 6.

CORAM : KISHORE C. SANT, J.
DATE : 15.04.2025

PC :-

01. Heard learned Advocates for the parties. The petitioner is the person who is held to be disqualified as a Member of the Grampanchayat. The disqualification is declared for committing encroachment falling under section 14-1 (J-3) of the Maharashtra Village Panchayats Act. It was the case of respondent Nos. 4 to 7 that the mother-in-law of the petitioner is shown to be occupant of land Gat No. 334 belonging to the Grampanchayat. Further allegation is that on the house property bearing No. 6/1 the petitioner is found to be in possession of 675 sq. ft. land, when in Form No.8, the measurement shown is only 627 sq. ft. Respondent Nos. 4 to 6 thus approached to the Collector by filing Dispute under sections 14-1 (j-3) & 16 of the Act. The Collector allowed the

dispute making the petitioner to approach the Divisional Commissioner by filing appeal. The Additional Divisional Commissioner, Latur confirmed the order passed by the Collector. The petitioner is, therefore, before this Court.

02. Learned Advocate for the petitioner Mr. J.V. Patil vehemently argued that the report called by the Collector in respect of land Gat No. 334 clearly shows that though the name of mother-in-law is shown to be in column of occupant on the said land, it is clearly reported that she is not in possession of the said land. So far as house property 6/1 is concerned, he submits that the Collector had directed the DSLR and called for report. The DSLR by communication dated 07.08.2024 had submitted a report. It is mainly contended that the Collector has not considered the aspect that the petitioner or her family members are not in possession of the land Gat No. 334 in view of the report submitted to the Collector. As regards house property No.6/1, there is no clear finding recorded by the DSLR that in such case the land is of the Government or the public land. He relies on judgment of this Court in Writ Petition No. 10146 of 2023 along with other petitions. In the said judgment, this Court has held that the Authorities have to consider the report prepared by the competent person. It is necessary to verify whether the excess

area in possession of the Member is on the Government land. It is, therefore, necessary that the technical person needs to be directed to submit the report. There is no dispute about said proposition. In the present case, there is no dispute that the DSLR is not a competent person. The last aspect needs to be considered is that though the mother-in-law of the petitioner is not owner of land Gat No. 334 still she is shown to be occupant of the land.

03. Learned Advocate for the respondent Nos. 4 to 6 vehemently opposes the petition and submits that so far as land Gat No.334 is concerned, it has clearly come on record that the name of the mother-in-law of the petitioner is shown as occupant. The person may not be in actual possession, but the fact that her name appears in the column of occupant itself is sufficient to show that they have grabbed the Government/Grampanchayat land. It is also submitted that the DSLR has rightly submitted a report. Both the Authorities have concurrently held against the petitioner and no interference is required at the hands of this Court.

04. Learned AGP supports the impugned order.

05. Considering all the arguments, this Court finds that the report was prepared by the competent person, as regards house property No. 6/1 is concerned. So far as land Gat No. 334 is concerned, the fact that the name of the mother-in-law is recorded as occupant is sufficient to come to a conclusion that there is encroachment on the land of the Grampanchayat. The report that no one was found in possession of the land is of no use to the petitioner.

06. Considering the above, this Court is not inclined to interfere with the impugned order. The writ petition stands dismissed with no order as to costs.

[KISHORE C. SANT, J.]