



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

WRIT PETITION NO. 4793 OF 2022

Bhagyashali Gangadhar Lavhale

VERSUS

The State Of Maharashtra Through Its Principal Secretary And Others

WITH WRIT PETITION NO. 9936 OF 2022

Shankar Ganpatrao Waghmare

VERSUS

Divisional Commissioner And Others

Mr. V. B. Kulkarni, Advocate for Petitioner in WP/4793/2022

Mr. K. P. Rodge, Advocate for Respondent No.6

Mr. M. M. Parghane, Advocate for Petitioner in WP/9936/2022

Mr. A. P. Basarkar, Advocate for Respondent Nos. 3 and 4 in WP/9936/2022

Mr. B. A. Shinde, AGP for Respondent/State

CORAM : R. M. JOSHI, J.

DATE : 19th March, 2025

PER COURT :-

Order in Writ Petition No. 4793/2022 :-

1. After hearing learned counsel for both sides, when this Court has shown its inclination to cause interference in the impugned order, learned counsel for contesting respondents, on instructions, records no objection for setting aside the order impugned with further direction to relegate back the matter to Collector for decisions afresh. He also makes statement that these instructions are received after fully understanding the consequences of setting aside the order impugned.

2. In view of the above, without passing any further order on merit, impugned order is set aside. Proceedings bearing No. File No. 2021/Gra.Pa./Appeal No. 1/CR-80 are relegated back to Collector for decision afresh. Needless to say with setting aside of the order impugned, the consequences will follow that the petitioner is held to be not disqualified. Since, disqualification is of year 2021, Collector to dispose of same within a period of 6 weeks.

Order in Writ Petition No. 9936 of 2022 :-

3. Perused.
4. Heard learned counsel for both sides at length.
5. Observations made by the Collector and confirmed by the Additional Divisional Commissioner with regard there being Government land as well as private land for being part of Survey No. 157 cannot be interfered with. Once, there is no material on record to indicate as to the exact place where the alleged encroachment has been caused and unless it is proved that encroachment is on government land, question of disqualifying Respondent No. 3 and 4 does not arise. Hence petition has no merit.
6. Petition stands dismissed.

(R. M. JOSHI, J.)

bsj