

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7690 OF 2022

Shanubai Sambhaji Thakre

VERSUS

The Additional Commissioner And Others

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Advocate for the Petitioner : Mr. V.D. Hon, Senior Advocate i/b Mr.
Hon Ashwin V.

AGP for Respondent/State : Mr. V.S. Badakh

Advocate for Respondent No.3 : Mr. V.P. Raje

Advocate for Respondent No.4 : Mr. Yogesh Patil

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATED : DECEMBER 16, 2025

PER COURT :

1. Heard learned counsel for respective parties.
2. By way of present petition, the petitioner challenges the order dated 15.02.2022 passed by the Collector, Dhule in Gram Panchayat Dispute No.25 of 2021 and order dated 23.06.2022 passed by the Additional Commissioner, Nashik in Gram Panchayat Appeal No.25 of 2022 whereby the petitioner was disqualified on the ground that the petitioner has encroached upon the government land.
3. The Collector exercised the powers under Section 14 (j-3) of the Maharashtra Village Panchayat Act. Now, learned counsel for the petitioner submits that the election was held in the year 2021 and hardly one month term is remained. He would further submit that pursuant to the interim order passed by this Court, the petitioner is holding the post of Deputy Sarpanch.

4. Without going into the merits of the matter, as the petitioner is disqualified only for the remainder term, I am inclined to allow the present petition.

5. In view thereof, writ petition is allowed. The order dated 15.02.2022 passed by the Collector, Dhule in Gram Panchayat Dispute No.25 of 2021 and order dated 23.06.2022 passed by the Additional Commissioner, Nashik in Gram Panchayat Appeal No.25 of 2022 is quashed and set aside.

6. It is made clear that if in fresh election the petitioner gets elected, respondent no.3 is at liberty to file fresh proceeding before the Collector questioning the election of the petitioner. If such application is filed, the authority to consider the same afresh in accordance with law without being influenced by the earlier order passed by both the authorities.

(SIDDHESHWAR S. THOMBRE, J.)