



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

939 WRIT PETITION NO. 15494 OF 2023

SWAPNIL SHANTARAM SONAWANE

VERSUS

BHUSHAN GUNWATRAO PAWAR AND OTHERS

...

Mr. Dixit Sushant V., Advocate for the Petitioner

Mr. P. D. Patil, AGP for Respondents-State

Mr. Vijay Jitendra Patil, Advocate for Respondent No.1

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 10.06.2025

PER COURT :-

. Heard Mr. Dixit, learned Advocate appearing for petitioner and Mr. Patil learned Advocate appearing for respondent No.1.

2. The petitioner had moved proceedings under Section 14(1)(j-3) of the Maharashtra Village Panchayats Act seeking disqualification of respondent No.1, who was elected as Sarpanch of village Panchayat during 2018 election. The term of respondent No.1 expired in the year 2023. The Competent Authority concluded that petitioner could not prove his assertion regarding encroachment at the hands of respondent No.1 on government land, consequently, rejected the prayer for discontinuation.

3. Mr. Dixit, learned Advocate appearing for petitioner submits that in fact it was for the respondent authority to carry out measurement as to the construction and encroachment made by the respondent. In absence of any such report, a cursory finding has been recorded. According to him, proceeding can be remanded back directing re-measurement and calling of the report as to encroachment.

4. The learned Advocate appearing for respondent submits that since term of respondent No. 1 as Sarpanch of the Village Panchayat is over, present writ petition is merely academic and does not require adjudication on merits

5. Mr. Dixit submits that now wife of respondent No.1 has been elected as Sarpanch and decision in present case may come in his way to initiate proceedings seeking disqualification on the similar grounds.

6. It can be observed that term of respondent No.1 against whom disqualification sought has been already expired. In case petitioner intends to move independent proceeding against wife of respondent No.1, who has been subsequently elected as Sarpanch, he shall be at liberty to do so.

7. In that case, it would be open for petitioner to independently prove alleged encroachment and finding recorded in the present proceedings would not impede him from independently proving assertion in his application.

8. In view of above observations, the writ petition stands disposed of as infructuous.

[S. G. CHAPALGAONKAR, J.]

HRJadhav