

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 544 OF 2023

Rajabai Manik Kamble

VERSUS

The State Of Maharashtra Through Its Additional Commissioner And
Others

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Advocate for the Petitioner : Mr. O.D. Totawad h/f Mr. Thorat
Chandrakant R.

AGP for Respondent/State : Mr. R.B. Dhaware

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATED : DECEMBER 16, 2025

PER COURT :

1. Though respondent nos.3 to 5 are served, none appeared.
2. Heard learned counsel for the petitioner.
3. By way of present petition, the petitioner assails the order dated 10.11.2021 passed by the District Collector, Latur whereby the petitioner was disqualified under Section 14(j-3) of the Maharashtra Village Panchayat Act which is confirmed by the Additional Commissioner, Aurangabad vide its order dated 25.08.2022.
4. Learned counsel for the petitioner submits that the petitioner was elected as Member of Gram Panchayat. Respondent nos.4 and 5 filed a complaint by stating that the petitioner had encroached upon the government land and there was a record to that effect maintained by the Gram Panchayat wherein in the register of persons who encroached, petitioner's husband name was mentioned.

Therefore, on the basis of that only, the disqualification order was passed.

5. Having heard the learned counsel for respective parties, it emerges from the record that pursuant to the complaint filed by respondent nos.4 and 5, the petitioner was disqualified. Along with the complaint, the record of register was submitted wherein the name of petitioner's husband was mentioned as encroacher. But as far as disqualification proceedings are concerned, once the application is filed, the Collector is supposed to call the report from the TILR pointing out that whether land belongs to the government and whether there was encroachment upon the said land, but herein the case only on some record in shape of register, the order of disqualification was passed and the same is confirmed by the Additional Divisional Commissioner. Therefore, I am inclined to allow the petition partly by setting aside the order of both authorities.

6. In view thereof, the petition is partly allowed. The order of both authorities are quashed and set aside.

7. The matter is remanded back to the District Collector to decide it afresh. The District Collector is directed to get a report from TILR and thereafter, forwarding a copy to the petitioner and after granting an opportunity of hearing to the petitioner pass appropriate order. All this exercise shall be done by the District Collector within a period of three months from today.

(3)

8. All points kept open.

(SIDDHESHWAR S. THOMBRE, J.)

Mujaheed//