



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

914 WRIT PETITION NO. 15387 OF 2025

MAYUR NAVNATH DIGHE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for the Petitioner : Mrs. Rani Bora h/f. Mr. Bora Satyajit S.
AGP for Respondent/State : Mr. K.B. Jadhavar
...

CORAM : ARUN R. PEDNEKER, J.
Dated : December 24, 2025

PER COURT :-

1. Heard the learned counsel for the petitioner.
2. By way of present writ petition, the petitioner challenges the impugned order passed by the Additional Divisional Commissioner, Nashik confirming the order passed by the Collector, Ahilyanagar, thereby disqualifying the petitioner from holding the post of Member and Upsarpanch of village Talegaon Dhighe Grampanchayat u/s. 14(1)(j-3) of Maharashtra Village Panchayat Act.
3. The learned counsel for the petitioner submits that the petitioner has been disqualified by the authorities below for having encroached upon the Government land. The learned counsel submits that complaint was made that family of the petitioner has made encroachment over land Gat No. 5 of village Hasnabad. From the report of Block Development Officer it revealed that boundaries of Gat No. 5 are not fixed and it is not possible to give exact report in respect of encroachment, if any. As such, further report was called by the appellate authority and the D.S.L.R. has submitted the report indicating that the parents of the petitioner have encroached

upon the Government land. Considering the report of D.S.L.R., the petitioner has been disqualified.

4. The learned counsel for the petitioner submits that there is no encroachment made by the petitioner, the encroachment is in the name of her parents, who are no more and after their demise, the petitioner is not connected with the family and he is residing independently in rented house and the property is with the brother of the petitioner. The learned counsel submits that there is no property recorded in the name of petitioner, the petitioner is also not utilizing or is not in possession of the encroached property. The learned counsel therefore submits that in view of the above, the petitioner cannot be held liable for encroachment or benefited by the encroachment. The learned counsel submits that the case relied upon by the appellate authority in the case of Janabai Vs. Additional Commissioner would not apply to the facts of the present case as there is no benefit taken by the petitioner or the petitioner is not connected with the encroached property. The learned counsel submits that the petitioner is residing in rented premises, however, there is no finding given by the appellate authority on this aspect. It is also submitted that there was interim stay to the order of the Collector during the pendency of appeal.

5. Considering the above, issue notice to the respondents, returnable on 14.1.2026. The learned AGP waives service of notice for respondent/State. In addition, the petitioner is permitted to serve the other respondents by all private modes i.e. E-mail, RPAD etc. and file service affidavit to that effect before the next date of hearing.

6. Till the next date, there shall be ad-interim stay to the impugned orders passed by the authorities below.

7. The prayer for continuation/vacation of interim relief will be considered on the next date. In the event the petitioner fails to serve the notice to the other respondents, the interim relief granted today shall stand vacated automatically. List the matter immediately after fresh admission matters are over. It is made clear that there would be no automatic extension of ad-interim relief granted today.

(ARUN R. PEDNEKER, J.)

ssc/