

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.11919 OF 2025

Arjun Bajirao Patil	... Petitioner
V/s.	
The Additional Divisional Commissioner & Ors.	... Respondents

Mr. Dheeraj Patil for the petitioner.

Mr. Sanjay D. Rayrikar, AGP for the State-respondent
Nos.1 and 2.

Mr. Kiran G. Patil for respondent No.4.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : NOVEMBER 4, 2025

P.C.:

1. Present writ petition takes exception to order dated 30th September 2025 passed by learned Additional Divisional Commissioner, Pune, in Appeal No.56 of 2025, whereby learned Divisional Commissioner pleased to set aside order passed by learned District Collector, Kolhapur, in Dispute Application No.34 of 2024 and remanded matter back for a fresh inquiry.

2. Petitioner initiated proceedings under Section 14(1)(j-3) read with Section 16 of Maharashtra Village Panchayats Act, 1959,

seeking disqualification of respondents. Learned District Collector, Kolhapur, relied upon the report of District Superintendent of Land Records on point of encroachment allegedly made by respondents and passed an order of disqualification under Section 14(1)(j-3) of Maharashtra Village Panchayats Act, 1959, observing that respondents have encroached upon Gairan land.

3. The respondents assailed aforesaid order before learned Additional Divisional Commissioner who observed that although two measurement reports confirms encroachment made by respondents, there is inconsistency as to area of encroachment shown in reports. Therefore, learned Additional Divisional Commissioner observed that there has to be definite evidence as to encroachment, hence, passed an order of remand directing District Collector to conduct a fresh inquiry into matter.

4. It cannot be disputed disqualification of elected representative of grampanchayat in reference to Section Section 14(1)(j-3) of Maharashtra Village Panchayats Act, 1959 cannot be ordered unless clear and unimpeachable evidence depicting the encroachment on government land is brought on record. The order of disqualification cannot be passed on the basis of shaky material.

In that view of the matter, no fault can be found in observations made by learned Additional Divisional Commissioner and the consequential order of remand with a direction to cause fresh inquiry.

5. In result, there is no merit in writ petition. Hence, **writ petition is rejected.**

6. However, in peculiar facts learned District Collector shall endeavour to complete inquiry and pass fresh orders within a period of six weeks from today.

7. Parties to appear before learned District Collector on 17th November 2025.

(S. G. CHAPALGAONKAR, J.)