

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.13013 OF 2023**

1. Shri. Ajay s/o Shankar Mohite,
Aged 43 years, Occ : Agriculturist.
R/o Village Dongarsoni, Taluka Tasgaon,
District Sangli.
2. Smt. Sunita w/o Rajaram Jhambre, 2.
Aged about Major years, Occ: Agriculturist,
R/o Village Dongarsoni, Taluka Tasgaon,
District Sangli.
3. Smt. Rani w/o Vilas Jhambre.
Aged about Major years, Occ: Agriculturist,
R/o Village Dongarsoni, Taluka Tasgaon,
District Sangli. ..Petitioners

VERSUS

1. The Divisional Commissioner,
Pune Division. Pune.
2. The District Collector,
District Sangli.
3. The Tehsildar, Tasgaon, District Sangli.
4. The Secretary, Gram Panchayat, Dongarsoni,
Taluka Tasgaon, District Sangli.
5. Shri. Gulabrao s/o Namdev Suryavanshi,
Aged about Major, Occ: Agriculturist,
R/o Village Dongarsoni, Taluka Tasgaon,
District Sangli. ..Respondents

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Advocate for the Petitioner : Mr. Milind Deshmukh
AGP for Respondent/State : Mr. S.N. Deshmukh
Ms. K.U. Patil, Range Forest Officer, Tasgaon, Sangli is present.

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CORAM : S. G. CHAPALGAONKAR, J.

RESERVED ON : 15th OCTOBER, 2025.

PRONOUNCED ON : 06th NOVEMBER, 2025.

JUDGMENT:-

1. Rule. Rule made returnable forthwith and heard finally with the consent of parties.
2. The present petition takes exception to order dated 18.09.2023 passed by respondent no.1-Divisional Commissioner, Pune in Appeal No.GR.PA/A/SA/14/2023 as well as order dated 19.05.2023 passed by respondent no.2-District Collector, Sangli, thereby disqualifying petitioner from post of Member of Village Panchayat, Dongarsoni, Taluka Tasgaon, District Sangli.
3. The petitioner has been elected as member of Village Panchayat, Dongarsoni in general election dated 15.01.2021. The respondent no.5 filed proceedings under provisions of Section 14(1) (J-3) of Maharashtra Village Panchayat Act, 1958 (for short 'MVP Act') before Collector, Sangli seeking disqualification of petitioner and other members under provisions of Section 14(1)(J-3) of MVP Act, on the ground that petitioner has encroached upon government land, as such, incurred disqualification. The Collector issued notice to petitioner. The petitioner filed reply denying allegations of encroachment. The District Collector after hearing parties declared that petitioner and others have incurred disqualification.

4. The petitioners filed appeal before the Divisional Commissioner, Pune, who confirmed order of District Collector upholding disqualification of petitioners. The present writ petition was filed by three disqualified members of Village Panchayat including petitioner no.1. However, petition is not pressed to the extent of petitioner nos.2 and 3. Eventually, by order dated 17.10.2023, it has been dismissed to the extent of petitioner nos.2 and 3. The petitioner no.1 alone prosecuted present writ petition.

5. The crux of the averments against petitioner are that land Gat No.1068/2 is owned by State of Maharashtra. The encroachment made by petitioner has been recorded in Form-1 (e) at Serial No.161 indicating that petitioner has encroached to the extent of 0.01 R portion of government land and raised construction of house. It has been given property No.1206/1. Similarly, petitioner has caused encroachment on forest land from Gat No.996 and laid pipeline. As such, he encroached upon 0.03 R government land. The petitioner has been served with a notice by Conservator of Forest, Tasgaon for removal of encroachment. However, same has been continued till this date. The District Collector called report from Forest Officer, wherein it has been confirmed that petitioner has encroached upon forest land. He has laid down 503 feet pipeline without permission. Mr. Sawlaj, Forest Officer has personally taken survey of factual position on spot and submitted his report. Eventually, Collector passed an

order of disqualification against petitioner. The Divisional Commissioner confirmed aforesaid finding.

6. Mr. Milind Deshmukh, learned advocate appearing for petitioner submitted before this Court that petitioner was wrongly given notice under Section 26(1)(a)(h) of Indian Forest Act, 1927. However, later on corrected notice was issued. Still on the basis of incorrect report dated 02.03.2023, he has been disqualified. Mr. Deshmukh had invited attention of this Court to communication dated 09.07.2024 and submits that entry of petitioner's name from list of encroachers has been removed after subsequent verification. Such an entry was wrongly made by Shri T. S. Hakke. As such, bone of contention of respondent no.5 that petitioner encroached upon forest land does not survive. He would, therefore, urge to set aside impugned order.

7. In pursuance to the aforesaid submission, Conservator of Forest, Tasgaon was called upon to explain discrepancies between report submitted to Collector and communication dated 09.07.2024 placed before this Court. In response to the directions issued by this Court in order dated 01.10.2025, Range Forest Officer placed on record a communication dated 14.10.2025, which is taken on record on 15.10.2025 and marked as 'X' for identification. It has been clarified that communication dated 09.07.2024 relied upon by petitioner was

inadvertently issued and contents thereof are not in conformity with actual facts. The communication further states that petitioner had laid pipeline from forest land, but on the basis of misleading information, communication dated 08.07.2024 was obtained.

8. In this background, it is necessary to find out whether petitioner is encroacher on government land and incurred disqualification in terms of Section 14(1)(J-3) of MVP Act. Section 14 of Maharashtra Village Panchayat Act stipulates that no person shall be member of panchayat continue as such, who has incurred disqualification as specified in sub-section (1) of Section 14. Clause (J-3) stipulates disqualification if person has encroached upon government land or public property. In present case, respondent no.5 filed dispute before District Collector with specific contentions that petitioner has raised construction over Gat No.1068/2, which is a government land and also laid pipeline from forest land bearing Gat No.996. As such, he is in possession of 0.03 R government land. The petitioner filed reply contending that on 03.02.2021, he was served with notice under Section 26 (1) of Indian Forest Act for removal of encroachment i.e. pipeline from forest Gat No.996. The petitioner had replied said notice on 03.03.2021 and denied encroachment informing that pipeline does not belong to him. The record indicate that petitioner is trying to make out case in his reply that it is permissible to lay a pipeline beneath land in terms of Section 49 of

the Maharashtra Land Revenue Code. There is no specific denial in reply as far as laying down of pipeline from forest land. It can be observed that land Gat No.1118 is owned by petitioner, whereas land Gat No.1202/1 is jointly owned by him along with his brother Vinod Shankar Mohite and mother Sushila Shankar Mohite. In between those lands, there is forest land bearing Gat No.996. The report of Range Forest Officer clearly demonstrate that 550 feet pipeline has been laid connecting land owned by petitioner and passes through forest land. The petitioner was issued with notice dated 03.02.2021 by Range Forest Officer, Tasgaon to remove encroachment. Previously, he was personally warned to remove encroachment on 20.10.2020. Thereafter, on representation of petitioner that pipeline belongs to his brother Vinod Shankar Mohite, notice was given to him on 19.03.2021. It was clarified that in terms of Section 26(a)(f) and Section 63(b) of Indian Forest Act 1927, continuance of encroachment shall be an offence and such an encroachment is removable under Section 26(1)(a) of Indian Forest Act, 1927. Still, such an encroachment is continued. On 02.03.2023, Range Forest Officer submitted a report on the basis of inspection by Mr. Sawlaj, Forest Officer, which confirms existence of pipeline laid by petitioner from forest land No.996. As observed in aforesaid paragraphs, land Gat No.1202/1 situated at Tasgaon is jointly owned by petitioner's family. So also, petitioner is independent owner of land Gat No.1118.

The pipeline which passes from forest land connects both aforesaid lands. Therefore, it is evident that petitioner alongwith his family member are beneficiaries of pipeline laid in forest land.

9. So far as communication dated 09.07.2024 placed on record alongwith additional affidavit dated 01.08.2024 by petitioner, it has been detracted Range Forest Officer vide communication dated 14.10.2025. Perusal of communication dated 09.07.2025 shows that it has been issued by Smt. K. U. Patil, Range Forest Officer, whereby it is stated that entry regarding encroachment by petitioner was wrongly made at Serial No.80 in list of encroachers and petitioner's name has been removed from list. However, vide communication dated 14.10.2025, same officer has retracted from aforesaid submission and withdrawn communication dated 09.07.2024. It is, therefore, apparent that petitioner in collusion with Range Forest Officer, Smt. K. U. Patil had attempted to create a false record and submitted communication dated 09.07.2024 before this Court, which is contrary to record maintained by Forest Department.

10. In that view of matter, it is evident that petitioner has encroached upon government land and incurred disqualification in terms of Section 14 (1)(J-3) of MVP Act. As such, view taken by District Collector, which has been affirmed by Divisional

Commissioner need not be interfered in writ jurisdiction of this Court under Article 227 of the Constitution of India.

11. Before proceeding further, it is to be observed that Smt. K. U. Patil, Range Forest Officer, Tasgaon has acted in casual manner or in collusion with petitioner and attempted to create a false record, which has been placed before this Court alongwith affidavit. She admitted such act vide her communication bearing Outward No.509/2025-26 dated 14.10.2025. It is, therefore, necessary to take appropriate departmental action against Smt. K. U. Patil. In result, following order is passed :

ORDER

- (i) Writ Petition stands dismissed.
- (ii) The concerned disciplinary authority shall take necessary departmental action against Smt. K. U. Patil, Range Forest Officer, Tasgaon for creating false record and facilitating petitioner to mislead this Court by issuing communication dated 09.07.2024 vide Outward No.178/2024-25.
- (iii) Rule stands discharged.

(S.G. CHAPALGAONKAR, J.)