

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

WRIT PETITION NO.547 OF 2025

Sunil Narayan Pawar

....Petitioner

V/S

The State of Maharashtra & Ors.

....Respondents

Dr. Uday Warunjikar i/b Mr. Siddhesh Pilankar and
Mr. Hrishikesh Nabar *for the Petitioner.*

Mr. B.B. Dahiphale, AGP *for Respondent Nos.1 and 2 / State.*

CORAM: SANDEEP V. MARNE, J.

DATE : 17 JANUARY 2025.

P.C.:

1. Heard Dr. Warunjikar, the learned counsel appearing for the Petitioner.
2. Issue notice to the Respondents, returnable on **11 March 2025**. The learned AGP waives notice on behalf of Respondent Nos.1 and 2.
3. It appears that an objection of encroachment on Government land was raised before the Collector at the time of filing of nomination by the Petitioner and the said objection was repelled by the Collector by order dated 22 May 2023.

4. After the Petitioner got elected as a Member and Up-sarpanch of the Gram Panchayat Dispute Application was filed seeking disqualification of the Petitioner under provisions of Section 14(1)(j-3) of the Maharashtra Village Panchayats Act, 1959 (**the Act**). Perusal of the order passed by the Collector would indicate that the conclusion of encroachment is recorded by a three line finding by merely relying upon 8A extract.

5. Perusal of the order passed by the Additional Divisional Commissioner would indicate that a report was filed by Gram Sevak on 31 August 2023 that the house has been constructed by Petitioner's mother Indubai Narayan Pawar in accordance with a Special Housing Scheme introduced by the Government and that a proposal for regularization is pending. This Court has taken a view that construction of a house in pursuance of the Housing Scheme introduced by the Government would not constitute a ground for disqualification under provisions of Section 14(1)(j-3) of the Act.

6. In that view of the matter, no steps shall be taken for election of a new Up-sarpanch till the next date of hearing.

(SANDEEP V. MARNE, J.)

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