



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 615 OF 2024

(Abdul Jamil Sheikh Harun vs. Additional Commissioner, Amravati Division and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
and Registrar's orders.*

Court's or Judge's order

Mr. N. A. Gawande, Advocate for petitioner.
Mr. A. A.Madiwale, AGP for respondent Nos.1 and 2.

CORAM : SIDDHESHWAR S. THOMBRE, J.
OCTOBER 09, 2025

- 1) The petitioner is aggrieved by the order passed by Additional Collector, Amravati, whereby the petitioner was disqualified under Section 14(1)(J-3) of the Maharashtra Village Panchayat Act, 1959 on the ground that the petitioner had encroached on the Government land.
- 2) Pursuant to the complaint filed before the Additional Collector, the Circle Officer submitted a report by pointing out that there was no record available in the name of petitioner about allotment of the land in his favour. Only on the record of Grampanchyat the Additional Collector passed an order of disqualification.
- 3) Being aggrieved by the same, the petitioner filed an appeal under Section 16 of the Maharashtra Village Panchayat Act and same also came to be dismissed by the Additional Commissioner.
- 4) I have gone through the documents as well as the orders passed by both the authorities, more particularly the report of the Circle Officer, letter issued by the Secretary of the

Grampanchayat as well as findings recorded by the Additional District Collector.

5) The disqualification under the Act is concerned, it is a penal provision and the authority is required to consider whether there is any encroachment or not and only on the basis of documents that too does not specify any sort of encroachment, the elected representative can not be dislodged. Report of the Circle Officer and the letter submitted by the Secretary of Grampanchayat do not specifically mentioned about the enroachment made by the petitioner. Therefore, in view of that, the order passed by the Additional Collector is liable to be set aside, thereby, remanding back the matter to the Additional Collector to decide it afresh, by calling the report from Revenue Officer and to verify whether there was actual encroachment or not.

6) In view of above, the writ petition is allowed. The orders passed by the Additional Commissioner and Collector are set aside. The Additional Collector is directed to decide the proceeding afresh within two months.

(SIDDHESHWAR S. THOMBRE, J.)