



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

Writ Petition No. 1739 of 2025

[Vijaykumar s/o Hiranman Raut ..vs.. Additional Divisional Commissioner,
Nagpur Division, Nagpur and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. S. Dhengale, Advocate for the petitioner
Mr. S. B. Bissa, AGP for the State/respondent nos. 1 and 2

CORAM : ANIL L. PANSARE J.

DATED : 08-05-2025

Heard.

2. In order dated 1-4-2025, "Section 14(1)(g-3) of the Maharashtra Village Panchayat Act, 1958" be replaced by Section 14(1)(j-3) of the Maharashtra Village Panchayats Act, 1958.

3. On 1-4-2025, following order was passed.

"Heard for sometime.

02. The petitioner has been disqualified in terms of Section 14(1)(j-3) of the Maharashtra Village Panchayats Act, 1958. The plea taken by the petitioner is that encroachment, if any, is made by his mother. Both the authorities held that the petitioner has not tendered any evidence to show that he is residing separately.

03. During the course of hearing, it transpired that the petitioner has come up with a case that his house is situated on the land called "aabadi". The authorities, however, noted that the petitioner has not tendered any evidence in this regard.

04. Thus, it appears that the petitioner of his own has admitted that his house is situated in "aabadi" land, which otherwise is vested with the State Government/Gram Panchayat. The petitioner should have, therefore, furnished proof of allotment of land. The house constructed on "aabadi" land will be, therefore, an encroachment on Government land. Thus, apart from the

fact that the petitioner failed to show that he is residing separately and not with his mother, if his case is accepted, even then he carries a blame of making encroachment on Government land. There appears no reason to interfere with the impugned order.

05. The Counsel for the petitioner, however, seeks time to take instructions, whether the land has been allotted to the petitioner.

06. Stand over to next week.”

4. Learned counsel for the petitioner submits that the petitioner is residing at the said address for last four-five decades but did not find any document of authorization of land in his favour. That being so, it is apparent that the petitioner himself admitted that he has encroached upon the Government land. The order of disqualification under Section 14(1)(j-3) of the Maharashtra Village Panchayats Act passed by respondent no. 1 is, therefore, in accordance with law. No interference is called for in writ jurisdiction. The petition is accordingly dismissed with no order as to costs.

(Anil L. Pansare, J.)