



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

WRIT PETITION NO.2667/2025

Asha Anil More .Vs. Divisional Commissioner, Amravati Division, Amravati 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. A. Zade, Advocate for petitioner.
Mr. A. G. Mate, A.G.P for respondent Nos. 1 and 2. -
Mr. S. S. Shaikh, Advocate for respondent No.4.

CORAM : ANIL L. PANSARE, J.

DATE : JUNE 13, 2025

Heard.

2. The petitioner has been disqualified under Section 14 (1) (j-3) of Maharashtra Village Panchayats Act, 1958. She is residing with her husband who has encroached upon Government land.

3. Having heard both sides and having gone through the record including impugned order, it appears that authorities below have relied upon revenue extract 8 to hold that the petitioner has encroached upon Government land. The extract 8 for the years 2022-23 and 2025-26, indicate the husband of petitioner is occupant of the land which is belonging to the Government of Maharashtra.

4. The report of the Secretary of Gram Panchayat was called, who has, in a way, certified the entry in extract 8 to be correct, in the sense, the Secretary, in his report, has categorically stated that the petitioner and her husband are occupying the structure.

5. Thus, the finding of encroachment is based on documents.

6. Counsel for petitioner submits that neither spot inspection was done nor was measurement carried out before arriving at such a conclusion. In support he has relied upon three judgments viz. **Manisha Ravindra Panpatil Vs. State of Maharashtra and Ors. [2024**

SCC OnLine 2690], Sau. Lalita Dilip Khandalkar Vs. Additional Commissioner and Ors.; [(2019) 3 AIR Bom R 382] and Writ Petition No.7741 of 2022.

7. I have gone through these judgments to find that in none of the judgments finding was based on the revenue record or extract 8 or any such document. It appears that in those cases there was no documentary evidence as regards encroachment of the respective petitioner and in that context, the Courts have highlighted importance of inspection of land and/or measurement thereof.

8. In the present case, however, finding is based on revenue extract 8, which clearly records the name of petitioner's husband as 'occupant' with 'owner's name' as Government of Maharashtra. As such the counsel for petitioner argued that he is not residing at the said place. However, mere statement will not be sufficient to ignore the documentary evidence.

9. Put all together, I do not find any reason to interfere with the impugned order in the writ jurisdiction. The writ petition is dismissed. No order as to costs.

(Anil L. Pansare, J.)