



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

Writ Petition No.2662/2025

Chandrakant Subhash Devhadhe,
 Aged about 33 years, Occ.-Sarpanch,
 Gat Gram Panchayat Dubalvel-Gunj,
 R/o.-Dubalvel, Tah. Malegaon, District Washim.

.... Petitioner.

Versus

1. The Additional Commissioner, Amravati Division, Amravati.
2. The Collector, Washim, District Washim.
3. The Deputy Superintendent of Land Record, Malegaon,
Tah. Malegaon, District Washim.
4. Gat Gram Panchayat Dubalvel-Gunj, Tah. Malegaon,
District Washim. Through its Secretary.
5. Raju Waman Aavhale,
Aged about 52 years, Occ.-Agriculturist.
6. Mahadev Sadashiv Raut,
Aged about 44 years, Occ. Agriculturist.
Both R/o Gunj, Tah. Malegaon, District Washim.

..... Respondents.

 Mr. R.D. Karode, Advocate for petitioner.
 Mr. P.N. Atkar, Advocate for resp. nos.5 and 6.
 Ms. P.C. Bawankule, AGP for resp. nos.1 to 3.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 25-11-2025.

Oral Judgment

Heard learned Counsel for the petitioner as well as learned Counsel for the respondents.

2. **Rule.** Rule made returnable forthwith. Heard finally by consent of the parties.

3. The petitioner has challenged order dated 06-05-2025 passed by respondent no.1 Additional Commissioner, Amravati and order dated 05-03-2025 passed by respondent no.2 Collector, Washim, thereby

disqualifying the petitioner from the post of Member and Sarpanch of Gram Panchayat under Section 14(1)(j-3) of the Maharashtra Village Panchayats Act, 1959 (for short, 'the said Act'), for the alleged encroachment on Government land.

4. Learned Counsel for the petitioner submits that the inferences about encroachment on Government land are drawn on the basis of a report dated 03-12-2024 submitted by the Circle Officer addressed to the Tahsildar. It is submitted that the competent authority, to carry out the measurement and conclusively opine about encroachment on Government land, is respondent no.3 i.e. Deputy Superintendent of Land Records. It is submitted that there is no conclusive report or measurement by respondent no.3 to infer that the petitioner has committed encroachment on Government land. It is submitted that in absence of any conclusive material against the petitioner, the orders of disqualifying him under Section 14(1)(j-3) of the Act are unsustainable. He, therefore, submits that as a result of the impugned orders the petitioner who is a democratically elected Sarpanch is unseated and therefore it is prayed that the impugned orders be quashed.

5. Learned AGP as well as learned Counsel for respondent no.5 strongly opposed the petition. They submitted that the petitioner is the President of Jay Bhawani Krida Vyayam Shikshan Prasarak Mandal, Dubalvel, which has committed encroachment to the extent of 50 x 25 sq.ft. on Government land bearing Gat No.218. It is therefore submitted that since the petitioner has committed encroachment on Government land he was liable to be disqualified under the provisions of Section 14(1)

(j-3) of the Act and on the basis of this contention the impugned orders are justified.

6. While considering the controversy involved in the petition, it has to be seen that the disqualification alleged against the petitioner is on account of encroachment on Government land. The only basis to conclude about encroachment by petitioner on Government land is the letter/report dated 03-12-2024 submitted by the Circle Officer addressed to the Tahsildar mentioning certain encroachment on Government land bearing Gat No.218. Parties do not dispute that the competent authority to carry out the measurement and to conclude about the encroachment is the respondent no.3-Deputy Superintendent of Land Records. There is no conclusive report by the Deputy Superintendent of Land Records about any encroachment by the petitioner on Government land. Apart from this, it is crucial to note that the affidavit in reply dated 17-10-2025 filed by respondent no.3 in paragraph 6 categorically states that *“bare perusal of the measurement map dated 28-03-2023 prepared by the earlier officer of respondent no.3 does not specifically disclose about the encroachment made by petitioner on Gat No.218 and therefore it is hard to ascertain whether there is encroachment on Government land or not”*. As such it is clear that there is no conclusive material about any encroachment being carried out by the petitioner on Government land. Apart from this, it has to be noted that the alleged encroachment as mentioned by the Circle Officer is by the President of the said Jay Bhawani Krida Vyayam Shikshan Prasarak Mandal, Dubalvel and although the petitioner happens to be the President of the said Jay Bhawani Krida Vyayam Shikshan Prasarak

Mandal, Dubalvel, in view of the clear statement on affidavit by respondent no.3, it cannot be conclusively said at this stage that the petitioner misused the post of Sarpanch and has committed encroachment and therefore deserves to be disqualified.

7. Learned Counsel for the petitioner points out that the petitioner was holding the post of Sarpanch during the pendency of the appeal before respondent no.1 Additional Commissioner and by virtue of interim order dated 25-03-2025 passed by respondent no.1 he had held the charge of Sarpanch till the final order dated 06-05-2025 came to be passed.

8. Having regard to the above mentioned aspects, it is clear that there is no conclusive material showing encroachment by petitioner on Government land. The petitioner is a democratically elected Sarpanch of Gram Panchayat and need not be disqualified only on the basis of some report by the Circle Officer mentioning certain encroachment; particularly when the Circle Officer is not the competent authority.

9. In view of all the above mentioned factual and legal aspects, the petition deserves to be allowed. Impugned orders dated 06-05-2025 passed by respondent no.1 and order dated 05-03-2025 passed by respondent no.2 are quashed and set aside.

10. Rule is made absolute in above terms. No costs.

(Prafulla S. Khubalkar, J.)