



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

WRIT PETITION NO. 4365/2025

(SUGRATABAI SHIVLAL FARKUNDE **VERSUS** THE ADDITIONAL COMMISSIONER, NAGPUR
DIVISION, NAGPUR & OTHERS)

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

Court's or Judge's order

Shri B.S. Dhandale, counsel for the petitioner.
Shri N.S. Autkar, Assistant Government Pleader for the respondent nos.1, 2 and 6.
Shri Anant Dixit, counsel for the respondent no.5.
Ms Juhi Choudhari, counsel for the respondent no.7.
None for the respondent nos.3 and 4, though served.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : DECEMBER 02, 2025

Heard the learned counsel for the parties.

2. By this petition, the petitioner has challenged the order dated 14.07.2025 passed by the respondent no.1-Additional Commissioner, Nagpur and order dated 11.03.2025 passed by the respondent no.2-Collector, Gondia thereby disqualifying the petitioner from the post of Member of Gram Panchayat, Ghiwari under Section 14(1)(j-3) of the Maharashtra Village Panchayats Act, 1958 (for short, 'the Act of 1958').

3. Both the Authorities have relied upon the spot inspection reports dated 17.10.2024 and 26.08.2024 which clearly show that encroachment was committed by the petitioner and her husband on the Government land bearing Survey No.15 and private land bearing Survey No.95 and thus the petitioner has incurred disqualification under Section 14(1)(j-3) of the Act of 1958.

4. The learned counsel for the petitioner vehemently submitted that there is no material on record to conclusively infer that the petitioner or her husband have committed any encroachment as alleged. He submitted that the petitioner and her husband are residing at House No.137 and they are having a separate ration card and have got no nexus with House No.161 which is constructed upon Survey no.15 which belongs to the Government of Maharashtra and as such, there is no encroachment by them on the Government land. He also submitted that the petitioner is cultivating land bearing Survey no.203/1/A and has even sold rice at Government Agriculture Produce Purchase and Sale Centre and the petitioner's husband is not cultivating land bearing Survey no.95. Also, the petitioner is not sharing any income from land Survey no.95 and as such, no disqualification is attracted on that count.

5. The learned counsel for the respective respondents opposed the petition and justified the impugned orders. They stated that both the spot inspections were carried out in presence of the petitioner and it is revealed that there is encroachment by her husband on land Survey no.15 which is a Government land.

6. While considering the submissions canvassed by the parties and testing the legality of the impugned orders, it is crucial to note that the impugned orders are passed by specifically referring to the spot inspection report dated 26.08.2024. A perusal of the spot inspection reports reveal that the same was conducted in presence

of the petitioner who has put her signature and the said report specifically observes that her husband has committed encroachment on land admeasuring 10 Are from Survey no.15 and he is cultivating the said land. Further, the communication dated 29.10.2024 issued by the Deputy Superintendent of Land Records, Gondia (Annexure-18) also specifically refers to the spot inspection report dated 17.10.2024 and observes that Survey no.15 belongs to Government as per 7/12 extract but the same is encroached by various persons who have made construction of their houses on this land. A perusal of the spot inspection report dated 17.10.2024 reveals that it categorically observes that the husband of the petitioner Shivlal Farkunde has made encroachment on Survey nos.15 and 95. This spot panchanama was conducted in presence of the petitioner who had put her signature on it. As such in view of the spot inspection report which was conducted in presence of the petitioner, it became amply clear that the petitioner and her husband have made encroachment on Government land bearing Survey no.15 and private land bearing Survey no.95. Thus, the contention canvassed on behalf of the petitioner that there is no material to conclude any encroachment by the petitioner is not at all acceptable.

7. The respondent nos.1 and 2 have given due consideration to the spot inspection reports dated 26.08.2024 and 17.10.2024 to arrive at a conclusion that the petitioner and her husband have committed encroachment on the Government land.

8. No perversity is seen with the impugned orders dated 11.03.2025 and 14.07.2025 passed by the respondent no.2-Collector, Gondia and the respondent no.1-Additional Commissioner, Nagpur respectively and hence, no interference is warranted with the same. In view of the fact that the spot inspections were conducted in presence of the petitioner, the arguments advanced in this regard by the counsel for the petitioner deserve to be rejected.

9. Having regard to the above mentioned factual and legal aspects, no interference is warranted under Article 227 of the Constitution of India. The writ petition is accordingly dismissed with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)