



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

WRIT PETITION NO.6173 OF 2025

SHRIRAM S/O. RANGRAO DHOTE
VERSUS
THE COLLECTOR, NAGPUR AND OTHERS

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Abdul Subhan, Advocate for Petitioner.
Mr. S.V. Narale, AGP for Respondent Nos.1 & 2-State.
Mr. PN. Atkar, Advocate for Respondent No.3.
Mr. T.S. Kene, Advocate for Respondent No.5.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 10th DECEMBER 2025

PER COURT :-

1. Heard learned Advocate for the petitioner.
2. The petitioner's challenge is to the order dated 06.10.2025, passed by respondent No.1 Collector, Nagpur, thereby holding that the petitioner has encroached on Government land and incurred disqualification for the post of *Sarpanch* vide Section 14(1)(j-3) of the Maharashtra Village Panchayats Act.
3. In response to the notice issued by this Court, learned AGP as well as learned Advocate for respondent No.5 have appeared. The respondents have raised preliminary objection about maintainability of the petition on account of alternate remedy available to the petitioner by filing an appeal under Section 16(2) of the Maharashtra Village Panchayats Act.

4. Although learned Advocate for the petitioner tried to submit that the impugned order is passed without affording an opportunity for advancing arguments, perusal of the impugned order reveals that the petitioner had filed written reply before respondent No.1 and after considering the contentions of the petitioner, the impugned order is passed. As such, the contention of the petitioner that, despite alternate remedy, the writ petition may be entertained, is not acceptable. The points raised by the petitioner on merits can be raised and adjudicated before the appellate authority.

5. The petitioner has challenged the order passed by respondent No.1 by filing the present writ petition despite availability of alternate efficacious remedy. Hence, the present writ petition need not be entertained, in view of the alternate remedy available to the petitioner.

6. In view of this, the writ petition is dismissed with no order as to costs.

7. The petitioner is at liberty to avail alternate remedy by filing an appropriate appeal before the appellate authority as provided by law. All contentions on merits are kept open.

8. Considering the fact that interim relief was granted by this Court *vide* order dated 10.10.2025, it is directed that same shall be continued for a period of two weeks from today and it shall cease to operate after expiry of period of two weeks.

(PRAFULLA S. KHUBALKAR, J.)