



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

WRIT PETITION NO. 330 OF 2025

(Gautam Shriram Kamble Vs. State of Maharashtra & 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. Phadnis, Counsel for the petitioner.
Ms Mrunal Naik, A.G.P for respondent nos. 1 to 3 and 5/State.
Mr. A.V. Band, Counsel for respondent no.4.

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CORAM : ANIL L. PANSARE, J.
JANUARY 21, 2025

Heard.

2] The petitioner is aggrieved by order dated 6/11/2024 passed by the Additional Commissioner, Nagpur Division, Nagpur, in Appeal No. 47/2023-24, thereby dismissing the appeal filed by the petitioner.

3] The petitioner had approached the Divisional Commissioner, aggrieved by order dated 15/5/2023 passed by the Additional Collector, Nagpur, thereby cancelling the membership of Gram Panchayat – Panjri, in terms of Section 14(1)(j-3) of the Maharashtra Village Panchayats Act, 1959, which provides that no person shall be a member of a panchayat, continue as such, who has encroached upon the Government land or public property. The Additional Commissioner noted that the petitioner has constructed a pakka house, admeasuring 1250 square feet, on land bearing survey no. 154 having area 0.86 R. The Additional Commissioner noted that the petitioner has not placed on record any document showing title over the said property, including

house constructed thereon. The Additional Commissioner has further noted that perusal of 7/12 extract of survey no. 154 indicates that the land belongs to the Government of Maharashtra, and categorized as Zudpi Jungle.

4] In context with above, the petitioner's Counsel was called upon to show as to whether he has any document of title in respect of the house, which has been constructed on the land bearing survey no. 154. The learned Counsel has invited my attention to the correspondence made by the Secretary, Gat Gram Panchayat, Panjri, to the Tahsildar, Nagpur (Rural), stating therein that various people have constructed their house on the land bearing survey no. 154 and that essential services have been extended by Gram Panchayat and that in Extract – 8 and there is no mention of Government land or otherwise.

5] Thus, an attempt is made to show that the land under question, i.e., survey no. 154, is not a Government land. This attempt does not carry any substance inasmuch as the Additional Commissioner has rendered a categorical finding that the petitioner failed to show any document of title of house, which he is occupying or the land on which the said house has been constructed. May be that the petitioner is occupying the structure for substantial period, viz., 30-32 years, that by itself will not legalize the illegalities committed by the petitioner. The petitioner ought to have pointed out from

7/12 extract that survey no. 154 does not belong to the Government.

6] Having failed to show any document as regards title over the property and/or the finding rendered by the Additional Commissioner that survey no. 154 admeasuring 0.86 R is a land belonging to the Government of Maharashtra, I do not find any reason to interfere with the impugned order in writ jurisdiction.

7] The petition is dismissed. No costs.

(ANIL L. PANSARE, J.)

Sumit