



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

WRIT PETITION No. 834/2024

PETITIONER : Rahul Ruprao Bhendulkar,
Age – 39 yrs., Occ. : Agri.
R/o At Post Adgaon (Bk),
Tq. Nandgaon (Khd),
Dist. Amravati

RESPONDENTS : 1. Additional Commissioner,
Amravati

2. Additional Collector, Amravati

3. Govind Tulshiram Warkhad,
Age :- 42 yrs. Occ. – Agri.
R/o At Post Adgaon (Bk),
Tq. Nandgaon (Khd),
Dist. Amravati

4. Secretary, Grampanchayat Adgaon
(Bk), Tq. Nandgaon (Khd),
Dist. Amravati

Mr. P.A. Kadu, Advocate for Petitioner
Mrs. D.I. Charlewar, AGP for Respondents / State

CORAM: SACHIN S. DESHMUKH, J.

DATED : 20th AUGUST, 2025

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the parties at the stage of admission.

2. With continued encroachment upon the Government land committed by the petitioner and the family members, the petitioner was elected as a Member of the Grampanchayat. In the wake of the continued encroachment on public land which entails disqualification as contemplated under Section 14(1)(j-3) of the Maharashtra Village Panchayat Act, 1959 (For short, Act of 1959), a complaint was presented before the Collector. As far as determination of encroachment on the part of the petitioner is concerned, which is duly established from the fact that a detailed enquiry is conducted by the Secretary of the Grampanchayat and in the process, a notice was issued in order to determine the encroachment. After a detailed enquiry, encroachment committed by the petitioner and the family members is rather evident from the report in that regard prepared by the Secretary of the Grampanchayat along with the consequential enquiry report. The measurement is carried in presence of the petitioner, wherein the encroachment upon the Government land is noted. Based on the said encroachment report the complaint seeking disqualification of the petitioner has been allowed by the District Collector. Apart from the report of the Secretary of the Grampanchayat, even a detailed enquiry was conducted by the Extension Officer of the Panchayat Samiti on 01.03.2021, who also unequivocally recorded the encroachment to the extent indicated in the said report with

necessary recourse to Section 53 of the Act of 1959, so as to ensure removal of such encroachment. The Collector, while taking into the account the encroachment committed by the petitioner and the family members allowed the complaint presented against the petitioner, disqualifying the petitioner on account of the said encroachment on the public land in the wake of disqualification incurred by virtue of the operation of Section 14(1)(j-3) of the Act of 1959.

3. Aggrieved by the order rendered by the Collector, an appeal was presented before the appellate authority by the petitioner. The appellate authority has also taken into account the report in first place by the Secretary and thereafter the report of the Block Development Officer. Coupled with these two reports, the primary enquiry form No. 8-A and the panchanama to that effect indicating and establishing the encroachment upon the part of the petitioner and the family members, on the government land and certain excess land belonging to the petitioner. As such, the appellate authority has endorsed the order of disqualification of the petitioner by dismissing the appeal presented.

4. As such, the petitioner has approached this Court. It is the contention of the learned counsel for the petitioner that the land is owned by the petitioner and the family members and has not committed any encroachment. No measurement was ever

conducted of the properties of the petitioner. Filing of the complaint is politically motivated, as such, prayed for allowing the petition by setting aside the orders of both the authorities below.

5. Per contra, learned Assistant Government Pleader has supported the order of the authorities and prayed for dismissal of the petition.

6. Having heard the learned counsel for the litigating sides, perused record. The report prepared by the Secretary of the Grampanchayat which is preceded by issuance of notice to the petitioner and family members wherein the encroachment on the Government land, while considering the exact area belonging to the petitioner's property record maintained at Form No. 8-A maintained in record of Grampanchayat to that effect. Nonetheless, the measurement is carried out in the presence of the petitioner. Having carried out the measurement, eventual report is submitted by the Secretary confirming the encroachment on the part of the petitioner.

7. Apart from aforesaid report, even the Block Development Officer has also inspected and measured the site and noted the encroachment on the Government land in excess of the Grampanchayat record, which establishes the encroachment upon the Government land by the petitioner. These reports are taken into account in the proper perspective by both the authorities below i.e. Collector while allowing the complaint seeking disqualification of

the petitioner on account of encroachment on the Government land. Owing to encroachment petitioner is in possession of excess of actual property owned by the petitioner. The authorities have concurrently recorded a findings of fact in relation to encroachment on the part of the petitioner on the Government land. In my considered view, the order of disqualification of petitioner does not warrant any interference in any manner considering the fact that the encroachment upon the Government land of the petitioner and his family members stands proved in the light of the aforesaid two reports. As such, the petition is dismissed. No order as to costs.

Rule is discharged.

(SACHIN S. DESHMUKH, J.)

MP Deshpande