



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

WRIT PETITION No. 1834/2024

PETITIONER : Sunil Kirtirao Todase
Aged 46 yrs, Occ. Agril.
R/o At Post Arjuni (Raipur),
Tq. Maregaon, Dist. Yavatmal

Vs.

RESPONDENTS : 1. Additional Commissioner, Amravati

2. Additional Collector, Yavatmal

3. Jaideep Maroti Lodhe,
Age – 36 yrs. Occ. Agril.
R/o At Post Arjuni (Raipur),
Tq. Maregaon, Dist. Yavatmal

4. Secretary, Gram Panchayat,
Post Arjuni (Raipur),
Tq. Maregaon, Dist. Yavatmal

Mr. P.A. Kadu, Advocate for Petitioner
Ms. D.I. Charlewar, AGP for Respondent Nos.1 and 2
Mr. Chetan S. Dongare, Advocate h/f Mr. S.S. Dhengale, Advocate for
Respondent No.3

CORAM: SACHIN S. DESHMUKH, J.

DATED : 1st AUGUST, 2025

ORAL JUDGMENT :

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

2. The order rendered by the appellate authority under Section 16(2) of the Maharashtra Village Panchayat Act, 1959 (For short, Act of 1959), confirming the order of the District Collector, allowing the complaint on account of the encroachment of the Government land, thereby disqualifying the petitioner is the subject matter of challenge in the present petition. The petitioner was elected as Up-Sarpanch of the Grampanchayat in the wake of continued encroachment even after officiation by the petitioner being elected as member of the Grampanchayat and eventually as Up-Sarpanch. The encroachment already made by the petitioner in the year 2019, resulted into issuance of a notice on 09.01.2019 to remove the said encroachment. In spite of the notice being served, the encroachment committed by the petitioner continued.

3. With continued encroachment the petitioner became member of Grampanchayat in the year 2022. In the wake of the continued encroachment, a complaint was presented before the District Collector, seeking disqualification of the petitioner in the wake of the provisions of Section 14(1)(j-3) of the Act of 1959, which entails disqualification of the member of the Grampanchayat on account of the encroachment being committed on the Government land. The petitioner presented response to the complaint before the District Collector and denied all the allegations. The Collector while

deciding the proceedings of disqualification also called a detailed report from the Secretary of the Grampanchayat, who in unequivocal term submitted that the encroachment committed by petitioner was prior to 2019 and the same still continues. Considering the fact of the encroachment on the part of the petitioner on the Government land, the Collector appreciating the said fact, on the report in relation to encroachment by the petitioner, allowed the complaint and disqualified the petitioner.

4. Aggrieved by the order of disqualification, the petitioner presented an appeal under Section 16(2) of the Act of 1959, before the appellate authority. The appellate authority after considering the notice which is of the year 2019, eventual report in relation to encroachment committed by the petitioner submitted by the Secretary of the Grampanchayat, concurred with the findings of fact rendered by the Collector, while disqualifying the petitioner.

5. Having heard the respective counsels for the litigating sides, it is matter of record that the encroachment committed by the petitioner on the Government land was noted by the Grampanchayat, resultantly, a notice was served in the year 2019 for removal of the said encroachment. With continued encroachment, the petitioner is elected as member of the Grampanchayat and thereafter as Up-Sarpanch. The mandate of Section 14 (1)(j-3) of

the Act of 1959, unequivocally disqualifies the petitioner to continue as a Member. The aspect of continued encroachment by the petitioner from the year 2019 and the report in that regard by the Secretary is taken into account by the authorities below have concurrently held that the petitioner has committed encroachment, which essentially entails disqualification of the petitioner. These factual aspects are rightly taken into account by the authorities below. As such, no interference is warranted with the concurrent findings of facts rendered by the authorities below. Resultantly, no error could be noted in the impugned orders. The petition does not deserve any consideration. Resultantly, the petition stands dismissed. No order as to costs.

(SACHIN S. DESHMUKH, J.)

MP Deshpande