



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

WRIT PETITION NO.2005/2024

Balkrushna Baban Abagad Vs. Additional Commissioner, Amravati and others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. N.A. Gawande, Advocate for Petitioner
Mr. H.D. Futane, AGP for Respondent Nos.1 and 2
Mr. S.D. Chopde, Advocate for Respondent No.4.

CORAM: SACHIN S. DESHMUKH, J.

DATED : 4th AUGUST, 2025

1. The petitioner is elected as a Member of Grampanchayat. A complaint was presented in relation to the encroachment, as such, the same was enquired into by the District Collector and the petitioner was disqualified as contemplated under Section 14(1)(j-3) of the Maharashtra Village Panchayat Act. Admittedly, Regular Civil Suit No. 15/2023 is presented in relation to the subject matter viz. land on which encroachment is alleged and finding rendered by the Civil Court is significant wherein the finding is recorded that “there is nothing on record to show that the alleged site of construction is a government property” and the said order is still in vogue. This aspect was specifically brought to the notice of the Divisional Commissioner while presenting an appeal by the petitioner herein, however, in ignorance of the findings of the Civil Court, the Divisional Commissioner has also dismissed

the appeal. Hence, the petitioner presented the present petition before this Court.

3. Perusal of the orders rendered by both the authorities are in ignorance of the order of the Civil Court, where there is a specific finding is recorded that petitioner has not committed any encroachment on Government land. Thus the findings recorded by Collector vis-a-vis Additional Commissioner is in ignorance the finding of competent Court of civil jurisdiction. As such, the order under challenge deserves to be interfered with. The appeal presented by the petitioner is allowed and the complaint presented against the petitioner is dismissed.

4. The petition is allowed in the above terms. No order as to costs.

(SACHIN S. DESHMUKH, J.)