



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

Writ Petition No. 2674 of 2025

[Shri Rajesh s/o Wasudeo Kawthe ..vs.. Shri Shyamrao s/o Sakharam
Sontakke and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. N. R. Bhishikar, Advocate for the petitioner
Mr. A. G. Mate, AGP for the State
Mr. V. Subramaniam, Advocate h/f Mr. S. Sanyal, Advocate for respondent
no. 1

CORAM : ANIL L. PANSARE J.

DATED : 16-06-2025

Heard.

The petitioner has been disqualified under Section
14(1)(j-3) of the Maharashtra Village Panchayats Act, 1959.

Learned counsel for the petitioner has invited my attention to Patwari Map, page no. 41 and the map which is relied upon by the authorities below to opine that petitioner has encroached upon Government land, to contend that the petitioner's structure is standing on Survey No. 7 which has no nexus with Survey No. 5 in the sense the four boundaries of Survey No. 7 do not indicate that Survey No. 5 is situated towards any side of Survey No. 7. That being so, it is argued that the alleged encroachment shown in Survey No. 5 is apparently not belonging to the petitioner.

I have gone through the Patwari Map. To the East of Survey No. 7 is Survey No. 6, to the West is Survey No. 8, to the North is Survey No. 26 and to the South is remaining portion of Survey No. 6. It appears that Survey No. 5 is far away from Survey No. 7.

As such, learned Assistant Government Pleader has invited my attention to the Joint Inspection Report to contend

that the encroached portion is situated in Survey No. 5. However, in the joint inspection report as well, to the Western side of Survey No. 5 is shown Survey No. 8, which is highly improbable, if compared with Patwari Map, page no. 41.

Issue notice.

Learned counsel Mr. V. Subramaniam waives notice for respondent no. 1 and learned Assistant Government Pleader Mr. A. G. Mate waives notice for respondent nos. 2 to 4.

The respondents shall file reply within one week from today.

List the petition in the week commencing from 30-6-2025.

The petitioner shall place on record the map of measurement, which has been relied upon by the authorities below. The copy of map be supplied to other side as well today itself.

(Anil L. Pansare, J.)

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