



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

WRIT PETITION NO. 4334 OF 2025

Rajusingh Bansiram Jadhao

Petitioner.

Versus

The Additional Commissioner, Amravati Division,
Amravati and others.

Respondents

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Mr.G.R. Bhake, Advocate for petitioner.
Mr. A.V.Palshikar, AGP for respondent nos.1 and 2.
None for respondent nos.3 and 4.

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CORAM : **PRAFULLA S. KHUBALKAR, J.**
DATE : **8th AUGUST 2025.**

FINAL ORDER

1. Heard Mr. Bhake, learned counsel for the petitioner and Mr. A.V.Palshikar, learned AGP for the respondent nos.1 and 2.
2. The petitioner has challenged the order dated 24.07.2024 passed by the Collector, Washim and the order dated 17.06.2025 passed by the Additional Commissioner, Amravati, thereby disqualifying the petitioner from the post of Sarpanch, Gram Panchayat, Dhotra, in view of the provisions of Section 14(1) (j-3) of the Maharashtra Village Panchayats Act, 1959.
3. The petitioner was elected as Member of the Gram Panchayat in the elections held in the year 2022 and was elected as Sarpanch on 04.01.2023 for a term of five years. On 13.09.2023, the respondent no.4 filed an application

under Section 14(1) (j-3) of the Maharashtra Village Panchayats Act, 1959, claiming that the petitioner has incurred disqualification, in view of his encroachment on the government land on Plot nos.121 and 122. In the proceedings initiated before the respondent no.2-Collector, Washim, final order came to be passed on 24.07.2024, thereby declaring that the petitioner has incurred disqualification in view of the encroachment on government land. The petitioner challenged this order before the respondent no.1-Additional Commissioner, and the appeal came to be dismissed by order dated 17.06.2025. The petitioner has challenged both these orders by way of instant petition.

4. The learned counsel for the petitioner submitted that the proceedings were initiated by the respondent no.4, who is political rival of the petitioner and there is no material to establish that the petitioner has made encroachment on the government land. He submitted that there is no encroachment on plot no.121, since the house constructed on this plot is part of the Gharkul Yojana and cannot be considered to be encroachment. As regards the alleged encroachment on plot no.122, he submitted that the petitioner has surrendered the plot to the Gram Panchayat, about which the Gram Panchayat has passed Resolution No.6 dated 14.09.2023 and as such no disqualification can be inferred with respect to plot no.122.

5. Opposing the writ petition, learned AGP as well as counsel for the respondent no.4, submitted that the petitioner has incurred disqualification

under Section 14(1) (j-3) of the Maharashtra Village Panchayats Act, 1959, in view of the undisputed facts of encroachment on government land, as rightly observed by the Collector and the Additional Commissioner. By adverting attention to the observations in the impugned orders, they justified the impugned orders.

6. The controversy involved is with respect to disqualification of the petitioner on account of encroachment on the government land. As far as the encroachment on property-plot bearing no.121, the documents on record reveal that this land was allotted to the petitioner under the 'Indira Aawas Yojana' popularly known as 'Gharkul Yojana' and although the scheme was sanctioned on 'E-class land' the petitioner being beneficiary of the said scheme cannot be said to have committed encroachment on government land. However, as regards the encroachment on property-plot bearing no.122, it is crucial to note that the petitioner has himself submitted an affidavit dated 12.07.2023 (Annexure-G to the petition) stating therein that the petitioner does not need the said land and is ready to remove the encroachment on that land and further that his name be removed from the Gram Panchayat records. In view of this affidavit, it becomes clear that there was petitioner's encroachment on property-plot bearing no.122 and although the petitioner has submitted an affidavit dated 12.07.2023, the disqualification could not be nullified. In view of this encroachment, the authorities have rightly inferred that the petitioner had

incurred disqualification under Section 14(1) (j-3) of the Maharashtra Village Panchayats Act, 1959.

7. A perusal of the orders passed by the Collector as well as the Additional Commissioner shows that due consideration is given to the contentions of both the parties and after considering the contentions in view of the encroachment on government land the petitioner was held disqualified by the respondent no.2-Collector. Even while considering the appeal filed by the petitioner, the respondent no.1-Additional Commissioner has given due consideration to the relevant aspects and accordingly the appeal is dismissed upholding the inference of disqualification.

8. Having regard to the factual and legal aspects mentioned above, no interference is required with the impugned orders. The writ petition deserves to be dismissed.

9. Writ Petition is dismissed. There shall be no orders as to costs.

(PRAFULLA S. KHUBALKAR, J.)