

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9966 OF 2025

Shivaji Govind Shejul

VERSUS

The State Of Maharashtra And Others

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Advocate for the Petitioner : Mr. Nagode Datta Govindrao

AGP for Respondent/State : Ms. R.R. Tandale

Advocate for Respondent No.5 : Mr. N.P. Aute h/f Mr. A.R. Nimbalkar

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : APRIL 10, 2026

PER COURT :-

1. Present writ petition takes exception to order dated 09.07.2025 passed by Additional Divisional Commissioner, Nashik in Grampanchayat Appeal No.13 of 2025 thereby upholding judgment and order dated 08.01.2025 passed by District Collector, Ahilyanagar in Grampanchayat Dispute No.15 of 2024, thereby disqualifying petitioner from holding post of Sarpanch of Village Panchayat in terms of Section 14(1)(j-3) of Maharashtra Village Panchayats Act, 1959.

2. The petitioner was directly elected as Sarpanch of Village Panchayat from Scheduled Caste category for the term from 2022 to 2026. The respondent no.5 raised Grampanchayat Dispute No.15 of 2024 against petitioner contending that he has encroached upon government property, as such incurred disqualification in terms of Section 14(1)(j-3) of Maharashtra Village Panchayats Act. The

petitioner was served with notice in pursuance to aforesaid dispute. The report of Gram Sevak was called. Learned District Collector relying upon report and documents appended thereto concluded that petitioner encroached upon Gram Panchayat land, as such, incurred disqualification. Consequently, passed order of disqualification which is confirmed by Additional Divisional Commissioner.

3. Mr. Nagode, learned advocate appearing for petitioner raised two fold contentions. Firstly, petitioner was not given sufficient opportunity of hearing, he was never served with copy of dispute filed by respondent no.5 and without hearing petitioner, impugned order has been passed. Mr. Nagode would further submit that petitioner was allotted Gram Panchayat property in the year 2014. The resolution of Gram Panchayat was passed to record petitioner's name as occupant in Gram Panchayat record. As such, petitioner cannot be treated unauthorized occupant over government land.

4. Per contra, learned AGP submits that there is no document to show that petitioner was allotted aforesaid property by Gram Panchayat and petitioner in authorized possession.

5. Having considered submissions advanced by learned advocates appearing for respective parties, it is discernible that land in question is part of new gavthan recorded in name of Gram Panchayat. Undisputedly, petitioner is in occupation of part of property. In the year 2014 during monthly meeting of Gram

Panchayat, a resolution was passed to record petitioner's name as occupant of property. As such, undisputedly petitioner is in occupation of House No.431/1 situated in gavthan land owned by Gram Panchayat Kendal (Khurd). Although Gram Panchayat Resolution dated 05.01.2022 shows that petitioner was granted house under Pradhan Mantri Awaas Yojana, till this date, it is not constructed.

6. All aforesaid evidence shows petitioner's occupation on Gram Panchayat property without allotment of land either under government resolution or on lease or as authorized holder under permission of Gram Panchayat. The aforesaid documentary evidence is considered by District Collector as well as Additional Divisional Commissioner and they have recorded elaborate findings that petitioner is unauthorized occupant of Gram Panchayat property.

7. Although, Mr. Nagode, learned advocate appearing for petitioner submits that petitioner was not given sufficient opportunity of hearing by District Collector, record indicates that on 29.02.2024, petitioner's advocate caused appearance before District Collector, however, he was absent when matter was taken for hearing. Be that as it may, on consideration of documentary evidence on record, there is no room to take any different view other than view taken by authorities below.

8. In result, this Court finds that no case is made out to cause interference in impugned order under Article 227 of Constitution of India. Hence, Writ Petition stands rejected.

(S.G. CHAPALGAONKAR, J.)