



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.14451 OF 2025

Amol Sambhaji Gunjal,
Age: 39 years, Occ. Service,
R/o. Gunjalwadi, Tq. Sangamner,
District Ahilyanagar.

..Petitioner

Versus

1. The Additional Commissioner,
Nashik Division, Nashik.
2. The Collector, Ahilyanagar,
District Ahilyanagar.
3. The Gram Panchayat, Gunjalwadi,
Tq. Sangamner, District Ahilyanagar.
4. The Gram Sevak/
The Village Development Officer,
R/o. Gunjalwadi, Tq. Sangamner,
District Ahilyanagar.
5. Pandharinath Laxman Gunjal,
Age 61 years, Occ. Agriculture,
R/o. Gunjalwadi, Tq. Sangamner,
District Ahilyanagar.

..Respondents

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Mr. A. D. Sonkawade, Advocate for Petitioner.
Mr. K. B. Jadhavar, AGP for Respondents-State.
Ms. Suvarna Zaware Patil, Advocate for Respondent No.5.

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CORAM : S. G. CHAPALGAONKAR, J.
DATED : 14th JANUARY, 2026.

JUDGMENT:-

1. Rule. Rule made returnable forthwith. By consent of parties, matter is taken up for final hearing at the admission stage.
2. The present Writ Petition takes exception to order dated 20.11.2025 passed by Additional Divisional Commissioner, Nashik

in Gram Panchayat Appeal No.38/2025, whereby proceeding of disqualification initiated by petitioner has been relegated back to District Collector for re-enquiry.

3. The petitioner has been directly elected as Sarpanch from general public for Village Panchayat, Gunjalwadi. The respondent no.5 filed application before District Collector, Ahilyanagar seeking disqualification of petitioner under Sections 14(1)(i) and 14(1)(J-3) of Maharashtra Village Panchayat Act (for short 'MVP Act'). The District Collector called report from Village Panchayat, wherein it is clarified that petitioner is serving as Peon in private school. It is also clarified that no encroachment on Government land by petitioner could be found. On 20.01.2025, District Collector, Ahilyanagar rejected Dispute Application seeking disqualification of petitioner. Aggrieved respondent no.5 filed Gram Panchayat Appeal No.38/2025 before Additional Divisional Commissioner, Nashik, who partly allowed Appeal and relegated matter back to District Collector for fresh enquiry.

4. Mr. Sonkawade, learned Advocate appearing for petitioner would submit that District Collector had recorded elaborate findings on all issues raised in dispute before him. He would submit that there is no semblance of evidence to show that petitioner has encroached upon Government land. As such, disqualification contemplated under Section 14(1)(J-3) of MVP Act

does not attract. Secondly, violation of Section 42(2) of Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 (for short 'MEPS Act, 1981') would not constitute disqualification. The impugned order setting aside decision of District Collector and relegating matter back to District Collector is erroneous and liable to be quashed and set aside.

5. Per contra, Mr. Jadhavar, learned AGP and Ms. Suvarna Zaware, learned Advocate appearing for respondent no.5 supports impugned order. They would submit that District Collector failed to record clear findings on point of petitioner's encroachment on Government land. The petitioner and his family members have encroached upon Government land situated at CTS Nos.160, 161 and 162. The District Collector has erroneously observed that since petitioner's name does not appear as occupant in record of aforesaid city survey numbers disqualification does not attract. According to them, in light of specific complaint regarding encroachment, measurement by Competent Authority would be necessary to ascertain fact in issue. Further petitioner being employee of school, he could not have contested election without prior permission of his management in terms of Section 42(2) of MEPS Act, 1981. This particular aspect is not dealt with by District Collector, hence, order of remand is justified.

6. Having considered submissions advanced by learned Advocates appearing for respective parties, it is discernible from record that petitioner has been elected as Sarpanch of Grampanchayat, Gunjalwadi for period from 2023 to 2028. The petitioner is also serving as peon with Dnyandeep Secondary School, Gunjalwadi. The report of Block Development Officer, Panchayat Samiti, Sangamner dated 04.04.2024 records that no evidence could be found to show that petitioner or his family members encroached upon Government land, as names of petitioner or his family members are not seen in record of CTS Nos.160, 161 and 162. The District Collector relied upon said report and rejected dispute. The Divisional Commissioner found that in record of Grampanchayat House No.35 name of petitioner's father Sambhaji Gunjal and other two is mentioned as joint owners. The allegations in complaint is that petitioner and his family members have encroached on Government land, which is situated at Northern side of CTS Nos.160, 161 and 162 and they have raised construction. There is no specific enquiry and finding by District Collector on those points. The Divisional Commissioner further observed that petitioner has not filed permission received from management to contest election in year 2023. This aspect also needs reconsideration.

7. This Court finds that issue of encroachment by petitioners family was not appropriately dealt by District Collector. There was no enquiry to ascertain allegations that petitioner and his family members are encroachers on Government land situated on Northern side of CTS Nos.160 to 162. The District Collector has simply relied upon record of CTS Nos.160 to 162. Apparently, enquiry conducted by Block Development Officer was not in accordance with allegations in complaint. Probably reference of city survey numbers is given in complaint only to show location of encroachment on Government land. It is not case of disputant/complainant that petitioner has raised construction in aforesaid survey numbers. The complaint is specific that construction is on Northern side of those survey numbers. Further there is allegations in complaint that area in possession of petitioner's family members is excess than area mentioned in record of city survey. It is, therefore, necessary to have re-enquiry and find out, if petitioner or his family members have raised construction on Government land towards Northern side of CTS Nos.160 to 162. Therefore, remand of dispute for aforesaid purpose is absolutely justified.

8. At this stage, Mr. Sonkawade, learned Advocate appearing for petitioner submits that only because petitioner has not produced permission from his employer/management of private

school, no disqualification would attract. The petitioner has not served with local office as contemplated under Section 14(1) of MVP Act. In support of his contentions he relies upon observations of this Court in case of ***Shivaji Manohar Kale Vs. Additional Divisional Commissioner Aurangabad Division & Ors.***¹.

9. There appears force in contention of Mr. Sonkawade. However, since matter is remanded back to District Collector, this Court would not enter into aforesaid aspect of matter. However, it is expected that District Collector would keep in mind law laid down by this court in case of ***Shivaji Manohar Kale*** (supra) while dealing with disqualification alleged for want of production of permission from employer.

10. In result, Writ Petition stands dismissed.

11. Rule stands discharged.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/January-2026

¹ 2011 (6) Mh.L.J. 344.