

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1349 OF 2026

Suman Dinkar Jadhav

VERSUS

Additional Divisional Commissioner Pune Division And Ors.

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Mr. Balkrushna G. Patil Advocate for Petitioner.

Mr. Dheeraj Patil a/w Adv. Vaishnavi Mali for Respondent No.4.

Mr. A. P. Vanarase, AGP for the Respondents-State.

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 27th MARCH, 2026.

P. C. :

1. The Petitioner raises an exception to the order rendered by the Divisional Commissioner, Pune Region, Pune, endorsing the order of the Collector, allowing the complaint against the Petitioner has been allowed, disqualifying the petitioner under Section 14(1) (j-3) of the Maharashtra Village Panchayat Act, 1958.

2. The learned counsel for the Petitioner submits that the son, who has committed the encroachment, is residing independently and has his own ration card, indicating and establishing that son has a separate family, independent of the present Petitioner.

3. Per contra, the learned AGP and the learned counsel for the Respondent No.4 have supported the impugned order, submitting that the issue is no more *res integra* in view of the authoritative pronouncement of the *Hon'ble Apex Court in the case of Janabai Vs. Additional Commissioner and others reported in [(2018) 18 SCC 196,]* to contend that the interpretation has to be comprehensive and not narrow, such interpretation would render the provisions of Section 14(1)(j-3) of the Maharashtra Village Panchayat Act, 1958 redundant if the interpretation as canvassed by the present Petitioner is accepted. Accordingly, they have prayed for dismissal of the Petition.

4. After hearing the submissions from the litigating sides and upon perusal of the material on record, and considering the undisputed fact that the encroacher is the son of the Petitioner, who has admittedly committed encroachment, which entails disqualification under Section 14(1)(j-3) of the Maharashtra Village Panchayat Act, 1958, and also considering that the said position is no more *res integra* in view of the verdict of the Hon'ble Apex Court in the case of **Janabai** (*supra*), the Authorities below have concurrently rendered findings of fact, which do not warrant

reconsideration by this Court under Article 227 of the Constitution of India.

5. Resultantly, the Petition is devoid of merit and is accordingly dismissed.

[SACHIN S. DESHMUKH, J.]