

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11931 OF 2024

Bhanudas S/O Mahadu Chordhe And Anr ...Petitioners

Versus

The State Of Maharashtra Through Its Secretary, ...Respondents
Rural Development Dept. And Ors

Ms. Padmavati Vaisnya, a/w Ranjit Gangadhar Jadhav (through VC), for the Petitioners.

Mr. Tushar Khairnar, (through VC), for Respondent Nos.6 to 10.

Mr. Hamid Mulla, for Respondent-State.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : February 3, 2026

ORDER :

1. The core issue that has been raised in this Petition is that the names of the Petitioners being indicated as owners of certain property has been taken as evidence of encroachment of public land, leading to the disqualification, which is the subject matter of the impugned order.

2. Learned Advocate for the Petitioner submits that an Application for removal of their names had been made and the disputes also form the subject matter of Regular Civil Suit No.835 of 2023 before the Civil Judge Junior Division, Malegaon, in which the issue has been squarely ruled on in favour of the Petitioner. The affidavit of the Gram

Sevak in such Suit forms part of the record but the final judgement in the Civil Suit does not form part of the record.

3. Petitioner is granted liberty to bring on record the final judgement and to demonstrate how adjudication of the issue in RCS No.835 of 2023 would demonstrate the case being made by him in this Petition.

4. Learned Advocate for Respondent Nos.6 to 10, the Original Complainants alleging encroachment would submit that the encroachment is still present and a fresh inspection with a *panchnama* conducted now would demonstrate that there is an encroachment attracting the ineligibility. He would also submit that the property taxes for the land in question are in fact being paid by the Petitioners and that would demonstrate that the fact of encroachment actually would stand established on the ground.

5. Respondent Nos.6 to 10 too are given liberty to bring on record any such further evidence that they seek to rely upon and serve a copy of the same on the Petitioner, so that the Petitioner has notice of the documents sought to be relied on by the Original Complainant, Respondents.

6. Let both the aforesaid affidavits be filed no later than February 17, 2026, and served on all the other parties. Stand over to ***February 24, 2026***. Ad-interim arrangements obtaining as of today shall continue until the next date.

7. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]