

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 18424 OF 2024

CHAITANYA
ASHOK
JADHAV

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Chetana Rakesh Mahale

...Petitioner

Versus

The State Of Maharashtra And Ors.

...Respondents

Mr. Vighneswar Subramanian *a/w Omkar Patil, for
Respondent No. 6.*

**CORAM : SOMASEKHAR SUNDARESAN, J.
DATE : MARCH 11, 2026**

ORDER :

1. The Petition essentially assails the action of the State in disqualifying the Petitioner who is a Sarpanch, on the ground of having encroached on public land. This matter has been heard on previous occasions and the fundamental grievance of the Petitioner has been that there is no objective or empirical material on record to establish the encroachment alleged to have been indulged in by the Petitioner.

2. The core contention of the Petitioner was that the measurement of the purported encroachment had not involved the participation of the Petitioner, and that there is no *panchnama*.

3. Multiple judgements of this Court dealing with identical issues have stated that the basic safeguard in such matters is to have an objective *panchnama* so that there is precise awareness of the case to be met by the person who is sought to be disqualified.

4. On January 8, 2026, the State was requested to examine the file and present the factual position after looking at the entire record. As it now transpires, it is expressly stated by the Learned A.G.P. that there is no *panchnama* forming part of the record. Respondent No. 5, which is the Gram Panchayat, despite being made a party, had not entered appearance until that date. Today, a one-page affidavit was tendered on behalf of Respondent No. 5, which also confirms that there is no *panchnama* in the records of the Gram Panchayat in respect of the alleged encroachment of the said property.

5. In these circumstances, the Impugned Order would be unsustainable for not being backed by objective and empirical evidence. Without expressing any opinion on the merits of the case, since it is a vehement contention on behalf of the original complainant, Respondent No. 3, that there has indeed been an encroachment, it would be open to Respondent No. 3 to make a complaint containing specific particulars to the District Administration in accordance with law. Upon such

complaint being made, with the participation of the Petitioner, a measurement of the alleged encroachment and a precise identification of the land allegedly encroached upon shall be carried out. The Petitioner shall be given notice of what precisely is the case that the Petitioner has to meet.

6. With these directions, the Impugned Order is quashed and set aside, and the Writ Petition is ***disposed of***.

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.]