

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6033 OF 2026

Ravindra Daguji Thakare & Anr.

...Petitioners.

Versus

The State of Maharashtra & Ors.

...Respondents.

Mr. Rameshwar N. Gite, a/w. Mr. Sandesh S. Shinde and Ms. Siddhi Dawne, Advocate for Petitioners.

Smt. Aloka Nadkarni, AGP for Respondent/State.

CORAM: N. J. JAMADAR, J.

DATE : 4TH MAY 2026

P.C.:

1. Heard the learned Counsel for the Petitioners.

2. The challenge in this Petition is to an order dated 27th March, 2026 passed by the Divisional Commissioner whereby the Gram Panchayat Appeal No. 107 of 2025 preferred by the Respondent Nos. 4, 5 and 6 came to be partly allowed *qua* Respondent No. 4 and 6 and the order of disqualification passed by the District Collector in Gram Panchayat Dispute No. 25 of 2024 dated 11th July, 2025 was quashed and set aside *qua* Respondent Nos. 4 and 6.

3. In Grampanchayat Dispute No. 25 of 2024, at the instance of the Petitioners, the District Collector ordered disqualification of the Respondent Nos. 4 to 6 under the provisions of Section 14(1)(j-3), which disqualifies a person who has encroached upon the Government land or public property to be or continue to be a member of the Village Panchayat. The District Collector, on the basis of the reports of the field officers, came to the conclusion that the Respondent Nos. 4 to 6 were instrumental in the other persons committing encroachment over the Government property, and in passing a resolution by the Village Panchayat in regard to the said encroachment, which was not in consonance with the provisions of law

4. In the Appeal, the Divisional Commissioner noted that the disqualification under Section 14(1)(j-3) could be incurred upon commission of encroachment on the Government or public property. The report submitted by the field officers revealed that only the Respondent No. 5 was found to have committed encroachment over the Government property. There was no material to show that, the Respondent Nos. 4 and 6 had committed such encroachment. Therefore, the Divisional Commissioner was persuaded to partly allow the Appeal and set aside the disqualification of Respondent Nos. 4 and 6.

5. The learned Counsel for the Petitioners submits that the material on record clearly indicated that the Respondent Nos. 4 and 6 were instrumental in the other persons committing encroachment over the Government property. Since Respondent No. 4 was the Sarpanch of the Village Panchayat and Respondent No. 6 a Member thereof, the District Collector has rightly declared that the Respondent Nos. 4 and 6 had incurred disqualification. The Divisional Commissioner was thus in error in interfering with the order passed by the District Collector.

6. Disqualification under Section 14(1)(j-3) can be legitimately ordered if the Sarpanch or member of the Village Panchayat himself commits encroachment over the Government or public property or any person who is dependent upon such a Member or any of the family members of such Member of the Village Panchayat commits encroachment. It is not the case that the Respondent Nos. 4 and 6 had either themselves or any of their family members or dependents have committed encroachment over the Government or public property.

7. It was alleged that, the Respondent Nos. 4 and 6 were instrumental in commission of the encroachment over the Government property by other persons. If that was the case, the conduct of the Respondent Nos. 4 and 6 would not fall within the ambit of the Section

14(1)(j-3). If the Respondent Nos. 4 and 6 facilitated commission of encroachment by the other persons, they might be accused of committing misconduct, disgraceful conduct or neglect in the performance of their duties as the Sarpanch and Member of the Village Panchayat. Such a contingency is addressed by empowering Divisional Commissioner to remove such Sarpanch or Member who is found guilty of the misconduct, disgraceful conduct or neglect in the performance of his duties. A separate mechanism is provided for the same, under Section 39 of the Act, 1959.

8. In the aforesaid view of the matter, no fault can be found with the impugned order.

9. The Petition stands disposed.

10. The Petitioners are at liberty to explore the remedies as available in law.

[N. J. JAMADAR, J.]