



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 2391 OF 2025

Jagannath s/o Prakash Kulal and anr.

Vs.

State of Maharashtra, Thru. Its Secretary, Rural Development Department, Mantralaya,
Mumbai and Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Sandip Tatake, Advocate for petitioners.

Ms. Prachi Joshi, AGP for respondent Nos.1 to 3/State.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 07.04.2026

Heard learned counsel for the petitioners as
well as the learned AGP for the respondents/State.

2. The petitioners have challenged the orders
passed by respondent Nos.2 and 3 rejecting the
applications submitted by the petitioners for
disqualification of the respondent No.4 as the 'Sarpanch'
of the Gram Panchayat.

3. The petitioners have filed an application
under Section 14(1)(j-3) of the Maharashtra Village
Panchayat Act, 1959 (hereinafter referred to as 'the said
Act'), seeking disqualification of the respondent No.4 as
'Sarpanch' of the Gram Panchayat, alleging that the

respondent No.4 has committed encroachment on government land bearing Survey No.501.

4. The applications submitted by the petitioners came to be rejected by the respondent No.3- Additional Collector, Buldhana, by order dated 14.03.2024 and by the respondent No.2- Divisional Commissioner, Amravati, by order dated 07.02.2025.

5. The petitioners' primary contention is that the respondent No.4 has committed encroachment on land bearing Survey No.501 and on the basis of an unregistered document of partition, the respondent No.4 has tried to contend that the encroached portion does not fall within his share. He therefore submitted that in view of the fact that the respondent No.4 is also owner of the said property, he has incurred the disqualification under Section 14(1) (j-3) of the said Act.

6. A perusal of the impugned orders reveal that the authorities have observed that there is no material to conclude that there is any encroachment made by the respondent no.4 on land bearing Survey No.501. The alleged encroachment of 1069 square feet was already regularized and further, the said encroached portion does not fall in the share of the respondent no.4. By considering the contentions canvassed on behalf of the complainant/petitioners herein, the authorities have

recorded that there does not exist any material to conclude that the respondent No.4 has committed any encroachment on government land attracting disqualification under Section 14 (1) (j-3) of the Act.

7. It has to be noted that there is no material on record to show that the respondent No.4 has made any encroachment on land bearing Survey No.501. The properties owned by the petitioner and his father were partitioned by the partition deed dated 10.05.2005 and accordingly entries are recorded in village Form 8. There is no reason to discard and disbelieve the partition. As such, there is no material on record to conclude that the petitioner has committed encroachment on government land as alleged by the complainant.

8. A perusal of the reasons recorded by the authorities reveals that due consideration is given to all the relevant aspects and no perversity is seen with the impugned orders warranting interference under Article 227 of the Constitution of India.

9. Writ petition is accordingly dismissed. No order as to costs.

(Prafulla S. Khubalkar, J.)