



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

WRIT PETITION NO.3234/2026

(DHAMMANAND DARGAJI INGLE **VERSUS** SACHIN ASHOK INGLE & OTHERS)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri D.S. Patil, counsel for the petitioner.

Smt.K.H. Bhondge, Assistant Government Pleader for the respondent nos.3 and 4.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : APRIL 20, 2026

Heard the learned counsel for the petitioner.

2. The petitioner's challenge is to the order dated 19.12.2023 passed by the Collector, Akola under Section 14(1)(j-3) of the Maharashtra Village Panchayats Act, 1959 (for short, 'the Act') and the order dated 02.09.2025 passed by the Additional Commissioner under Section 16(2) of the Act thereby upholding the disqualification of the petitioner as Member of the Gram Panchayat. The petitioner's primary contention is that he has not committed any encroachment on Government land and has not incurred any disqualification.

3. The issue is as to whether the petitioner has incurred disqualification under Section 14(1)(j-3) of the Act on account of encroachment on Government land. The documents in the nature of Village Form-8 with respect to property bearing no.390 shows the Government's name as owner and the name of the petitioner's father Dargaji Sonaji Ingle as occupier. Another Village Form-8 with respect to property bearing no.515 shows the name of Government

as owner and the name of the petitioner's mother Ratnabai Dargaji Ingle as Occupier.

4. These documents maintained as revenue records show the encroachment on the Government land by the petitioner's father and mother. There is no document on record showing that the ownership of these lands is with the petitioner or his father and mother. By considering these documents, the respondent no.3-Collector has ordered disqualification of the petitioner under Section 14(1)(j-3) of the Act which is even upheld by the respondent no.4-Additional Commissioner while deciding the appeal under Section 16(2) of the Act by order dated 02.09.2025. These Authorities have given due consideration to these documents and having found that the petitioner failed to file on record any document to show their ownership on these lands (property nos.389 and 515) inferred that the petitioner has committed encroachment on the Government land. Pertinently, even in this petition, the petitioner has failed to place on record any document to contradict the inferences drawn by the Authorities. The respondent nos.3 and 4 have recorded pertinent reasons in their orders which shows due consideration of the relevant aspects.

5. The petitioner's contention that the alleged encroachment on Government land is not done by the petitioner and the encroachment, if any, by his father or mother cannot attract disqualification is not acceptable in view of the judgment of the

Hon'ble Supreme Court in *Janabai Versus Additional Commissioner & Others* [(2018) 18 SCC 196] in which, it is held that the encroachment by a family member of an elected representative is sufficient to disqualify the Member of the Gram Panchayat.

6. It has to be noted that the petitioner has failed to file on record any document to show that at the relevant time when the disqualification proceedings were initiated, he was residing separately from his mother and father or that the lands were owned by any of them. As such, the contentions canvassed on behalf of the petitioner are not acceptable.

7. The impugned orders do not show any perversity or illegality warranting interference under Article 227 of the Constitution of India. Hence, the writ petition is dismissed with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)