



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

WRIT PETITION NO. 6569 OF 2025

Mayur Uttam Nagrale, Aged 29 years, Occ: Cultivator,
R/o Jaulgaon, Post: Saloo Kate, Tah. & Dist. Nagpur.

PETITIONER

VERSUS

1. The Additional Commissioner, Nagpur Division,
Nagpur.
2. The Collector, Wardha.
3. The Block Development Officer, Panchayat
Samitee, Wardha.
4. The Secretary, Gram Panchayat, Jaulgaon,
Tahsil and District Wardha.
5. Govardham Raghunath Nagrale, Aged 56 years,
Occu. Agriculturist, R/o Jaulgaon, Post: Seloo Kate,
Tahsil and District Wardha.

RESPONDENTS

Shri S.A. Chaudhari, counsel for the petitioner.
Smt. K.H. Bhongade, Assistant Government Pleader for the respondent nos.1 and 2.
Shri V.S. Wankhede, counsel for the respondent no.4.
Shri M.V. Rai, counsel for the respondent no.5.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : MARCH 16, 2026

ORAL JUDGMENT

RULE. Rule made returnable forthwith. Heard finally with consent of the learned counsel for the parties.

2. By this petition, the petitioner-Member of Gram Panchayat has challenged the orders passed by the Collector as well as Additional Commissioner disqualifying him as Member of Gram Panchayat, Jaulgaon under Section 14(1)(j-3) of the Maharashtra Village Panchayats Act, 1959 (for short, 'the Act of 1959').

3. The petitioner was elected as Member of Gram Panchayat, Jaulgaon on 06.11.2023. On 01.12.2023, the respondent no.5 filed an application before the respondent no.2-Collector, Wardha seeking disqualification of the petitioner under Section 14(1)(j-3) of the Act of 1959 on account of having committed encroachment on the Government land. The proceedings were contested before the Collector in which the petitioner appeared and filed his reply and by order dated 09.08.2024, the application filed by the respondent no.5 came to be allowed and the petitioner stood disqualified. The petitioner challenged this order by way of an appeal under Section 16(2) of the Act of 1959 before the Additional Commissioner which came to be rejected by an order dated 19.08.2025. Feeling aggrieved by these orders, the petitioner has filed the instant petition.

4. Shri S.A. Chaudhari, learned counsel for the petitioner submitted that the impugned orders are passed by the Authorities by ignoring the spot inspection report dated 13.02.2024 conducted by the Block Development Officer, Panchayat Samiti, Wardha. He submitted that the reliance placed by the Authorities on another spot inspection report dated 22.05.2024 conducted by the Deputy Superintendent of Land Records is misplaced since the same was conducted without any notice to the petitioner. He specifically submitted that although the said spot inspection mentions name of the petitioner being present at the time of spot inspection and there appears a signature against his name, the signature is not of the petitioner. He submits that the inferences drawn by the Authorities based on this spot inspection are therefore erroneous and the resultant order needs to be quashed and set aside.

5. Per contra, Smt.K.H. Bhongade, learned Assistant Government Pleader for the respondent nos.1 and 2, Shri V.S. Wankhede, learned counsel for the respondent no.4 and Shri M.V. Rai, learned counsel for the respondent no.5 opposed the petition. They submitted that the impugned orders are passed on the basis of spot inspection conducted by the Deputy Superintendent of Land Records which is the competent authority to carry out measurement and record inferences about the encroachment on the Government land. It is submitted that the impugned orders are passed after giving due opportunity of hearing to the petitioner and on the basis of material available before them, the findings are properly recorded by the Authorities.

6. While considering the controversy involved, it has to be seen that the Collector has considered the contentions canvassed on behalf of the parties and on the basis of spot inspection dated 22.05.2024 conducted by the Deputy Superintendent of Land Records has inferred that the petitioner's family has committed encroachment on the Government land bearing Survey no.15 to the extent of 22.60 square meters. Although the counsel for the petitioner has relied upon an earlier spot inspection report dated 13.02.2024 conducted by the Block Development Officer, it has to be seen that the said report appears to be prepared by simply accepting the statement of the petitioner who was present on the spot. Apart from this, it has to be noted that in the wake of spot inspection conducted by the Deputy Superintendent of Land Records, which is the competent authority, no conclusive inferences can be drawn based upon the spot inspection report conducted by the Block Development Officer.

7. As regards the contention canvassed on behalf of the petitioner that the spot inspection conducted on 22.05.2024 is based on an inspection which was carried out behind his back, it has to be noted that the petitioner has never raised any grievance about his signature being forged on the said document of spot inspection. It has to be noted that on the basis of the spot inspection dated 22.05.2024, the Collector has passed order dated 09.08.2024 and while assailing the said order, the petitioner has not raised any ground in the appeal under Section 16(2) of the Act of 1959 alleging forgery of his signature on the said document of spot inspection. Thus, it is clear that the petitioner's contentions about his signature being forged are raised for the first time before this Court and cannot be thus straightway accepted. These contentions are thus by way of an afterthought and cannot be accepted to quash both the impugned orders.

8. On perusal of the orders passed by the Collector as well as Additional Commissioner, it is clear that both these Authorities have given due consideration to all the relevant factual and legal aspects and recorded their findings on the basis of two spot inspections. Thus, the concurrent findings are recorded that the petitioner has committed encroachment on Government land and was thus rendered disqualified. On perusal of the reasoning of both the Authorities, I do not find any perversity with the impugned orders warranting interference under Article 227 of the Constitution of India.

9. In view of above, the writ petition is dismissed with no order as to costs. Rule stands discharged.

(PRAFULLA S. KHUBALKAR, J.)

APTE