



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

WRIT PETITION NO. 2579 OF 2026

Digambar Hetram Chowhan, Aged 43 years, Occ:
Agriculturist, R/o Bothali, Tahsil Sadak/Arjuni,
District Gondia.

PETITIONER

VERSUS

1. Additional Commissioner, Nagpur Division, Nagpur.
2. The Collector, Gondia, Collector Office
Compound, Gondia.
3. The Tahsildar, Sadak/Arjuni, Tahsil Office
Sadak/Arjuni, District Gondia.
4. The Secretary, Gram Panchayat Bothali, Tahsil
Sadak/Arjuni, District Gondia. Through its Secretary.
5. Naresh Kashiram Chowhan, Aged Major, Occ:
Agriculturist, R/o AT Post Bothali, Tah. Sadak/
Arjuni, District Gondia.

RESPONDENTS

Shri P.S. Tidke, counsel for the petitioner.
Smt. K.H. Bhondge, Assistant Government Pleader for the respondent nos.1 to 3.
None for the respondent no.4, though served.
Shri V.R. Borkar, counsel for the respondent no.5.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : APRIL 24, 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-Upa Sarpanch of Gram Panchayat, Bothali, has challenged the order dated 11.06.2025 passed by the Collector, Gondia and the order dated 20.02.2026 passed by the Additional Commissioner, Nagpur thereby disqualifying him as Member of the Gram Panchayat under Section 14(1)(j-3) of the Maharashtra Village Panchayats Act, 1959 (for short, 'the Act').

3. The primary contention of the learned counsel for the petitioner is that the inferences drawn by the Authorities about his encroachment on the Government land are without any basis, as the spot panchnama dated 06.06.2025 on which reliance is placed, is insufficient to arrive at any conclusion. He submitted that the impugned orders are passed by completely accepting the submissions made by the respondent no.5 and in absence of any conclusive material about encroachment on Government land either by construction of any 'Gotha' or otherwise, the impugned orders are arbitrarily passed.

4. It has to be noted that while deciding the proceedings under Section 14(1)(j-3) of the Act, the respondent no.2 i.e. Collector, Gondia has considered the report submitted by the Village Development Officer, Gram Panchayat Bothali dated 10.05.2025 and it has observed that the construction of 'Gotha' was started on 30.05.2022 and completed on 05.06.2022 and it is recorded in the Village Form-8 that the said construction is on petitioner's House no.263. Apart from this, on the basis of a joint report submitted by the Village Development Officer and the Circle Officer, Davva it is observed that the petitioner has committed encroachment on the Government land bearing property no.223 admeasuring 0.02 HR from the year 2022. There is an entry in the Village Form-8 about encroachment on Government land bearing no.223. By considering these vital documents, the respondent no.2 has held that the petitioner has incurred disqualification under Section 14(1)(j-3) of the Act.

5. Further, while deciding the appeal under Section 16(2) of the Act, the respondent no.1-Additional Commissioner has also considered the spot panchnama dated 06.06.2025 and the report dated 10.05.2025 submitted by the Village Development Officer and Village Revenue Officer thereby recording the petitioner's encroachment on Government land bearing Survey no.223. The Authorities have also considered the computerized data with Geo-Tagging photographs and have observed that the petitioner has encroached on the Government land bearing no.223.

6. On giving careful consideration to the reasons recorded by the Authorities, it becomes clear that the inferences are drawn by the Authorities on the basis of material available before them. As such, the contentions of the petitioner that the said encroachment was admitted by a villager by name Jago Mansaram Baghele and the same cannot be attributed to the petitioner, is clearly an attempt to hide the encroachment committed by the petitioner to avoid disqualification. The document of spot panchanama dated 06.05.2025 and the reports of the Village Development Officer and Village Revenue Officer dated 10.05.2025 as referred above clearly show that the petitioner has encroached on Government land bearing no.223 by constructing a 'Gotha'. The Authorities have passed the impugned orders by giving due consideration to the relevant aspects. On perusal of the reasoning recorded by the Authorities, I do not find any perversity with the approach adopted by the Authorities, warranting interference with the impugned orders. The petitioner has failed to demonstrate any perversity with the impugned orders.

7. Hence, the writ petition deserves to be dismissed and the same is dismissed with no order as to costs. Rule stands discharged.

(PRAFULLA S. KHUBALKAR, J.)

APTE