



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

WRIT PETITION NO.3294 OF 2026

ISWARDAS S/O NARAYANDAS SURSAUT

VERSUS

THE ADDITIONAL COMMISSIONER, AMRAVATI DIVISION,
AMRAVATI AND OTHERS

<i>Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders</i>	<i>Court's or Judge's orders</i>
--	----------------------------------

Mr. N.A. Gawande, Advocate for Petitioner.

Ms. P.T. Joshi, AGP for Respondent Nos.1 to 3-State.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 22nd APRIL 2026

PER COURT :-

1. Heard learned Advocate for the petitioner.
2. By this petition, the petitioner has challenged the order dated 05.01.2026, passed by respondent No.1 Additional Commissioner, Amravati and order dated 12.08.2025, passed by respondent No.2 Additional Collector, Amravati, rejecting a complaint filed by the petitioner under Section 14(1)(j-3) of the Maharashtra Village Panchayats Act, 1959 (for short, "the Act"), by which the petitioner has sought for disqualification of respondent No.6 as *Upsarpanch* of Gram Panchayat Pathrot, Tq. Achalpur, Dist. Amravati.
3. Respondent No.6 was elected as *Upsarpanch* of Gram Panchayat Pathrot, in the elections held on 15.01.2021 and the tenure

of said Gram Panchayat has also come to an end in January 2026. The petitioner had earlier filed an application under Section 14(1)(j-3) of the Act, before respondent No.2 Additional Collector alleging disqualification of respondent No.6 on account of encroachment on Government land. By order dated 12.08.2025, the Additional Collector dismissed the said application. Thereafter, the petitioner filed an appeal under Section 16(2) of the Act, before respondent No.1 Additional Commissioner, which also came to be rejected by order dated 05.01.2026.

4. Learned Advocate for the petitioner submitted that in view of the report dated 10.06.2025, given by Village Development Officer, Gram Panchayat Pathrot, respondent No.6 has committed an encroachment by constructing an Ota of 10 X 10 Ft. and a tin shade adjacent to the main road. It is, therefore, submitted that in view of this report, encroachment made by respondent No.6 was established and respondent No.6 was required to be disqualified.

5. It has to be noted that, while considering the application under Section 14(1)(j-3) of the Act, respondent No.2 Additional Collector has given due consideration to the report dated 10.06.2025, given by the Village Development Officer and has categorically recorded that there is nothing to establish any encroachment by respondent No.6 on Government land. Even respondent No.1

Additional Commissioner has given consideration to this report and by considering the findings recorded by the Additional Collector, ultimately the appeal is rejected. It has to be noted that respondent No.6 was democratically elected *Upsarpanch*, who has completed his tenure of Gram Panchayat in January 2026. The allegations about encroachment made by the petitioner have been found to be without any basis and the authorities have recorded reasons while rejecting the application filed by the petitioner.

6. On perusal of the impugned orders and the report dated 10.06.2025, of the Village Development Officer, it appears that there is no material on record to conclude that respondent No.6 has committed encroachment on Government land and thereby incurred disqualification under Section 14(1)(j-3) of the Act. The reasons recorded by the authorities are based on the material available on record and there is no perversity in the approach adopted by the authorities warranting interference on any count. No indulgence is warranted under Article 227 of the Constitution of India with the impugned orders. Hence, the writ petition is dismissed with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)

asd