



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

929 WRIT PETITION NO. 13911 OF 2025

Rupali Dhananjay Deshmukh
VERSUS
The State Of Maharashtra And Others

...
Advocate for the Petitioner : Mr. Amit Shrikant Deshpande And Amol G
Vasmatkar

AGP for Respondents-State: Mr. D. R. Korde
Advocate for Respondent No.4 : Mr. Amol S. Gandhi

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CORAM : ARUN R. PEDNEKER, J.

Dated : November 21, 2025.

PER COURT :-

1. Heard.

2. The learned Counsel for the petitioner submits that the petitioner has been held disqualified under Section 14(j-3) of the *Maharashtra Grampanchayat Adhiniyam, 1958* from the post of Member, Grampanchayat Ghoda, Taluka Kalamnuri, District Hingoli, on the allegation of encroachment on two Government plots bearing Nos. 389 and 534. It is alleged that a construction admeasuring 23 feet x 43 feet (equivalent to 989 square feet) has been carried out. The learned Counsel submits that the revenue record reflects the name of the present petitioner and her family members as owners of the said lands, and the Government is not shown as the owner. Therefore, the disqualification contemplated under Section 14(j-3) would not apply in respect of the alleged construction on Plot Nos. 389 and 534.

3. The Block Development Officer's report was called for, and it indicates that there is an encroachment of about 2 to 3 feet of slab construction on Plot No. 389, thereby suggesting an encroachment. However, the learned

Counsel for the petitioner submits that there exists a passage/ open space between the houses, which is not shown as Government-owned, and there is no clear finding regarding the exact location of the encroachment—whether it is on Government land or otherwise. It is further submitted that the alleged encroachment lies only in the space between two houses and not on the road. This aspect, it is submitted, has not been considered by the authority.

4. Considering the above, issue notice to the respondents, indicating that the matter will be heard finally at the admission stage. Returnable on 05/12/2025.

5. As there is no clear finding as regards the encroachment being on Government land, till the next date, there shall be an ad-interim stay to the disqualification of the petitioner.

6. Affidavit-in-reply, if any, to be filed on or before the next date of hearing.

(ARUN R. PEDNEKER, J.)

vj gawade/-.