

ITEM NO.73

COURT NO.12

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 13861/2025

[Arising out of impugned final judgment and order dated 02-05-2025 in WP No. 10619/2024 passed by the High Court of Judicature at Bombay at Aurangabad]

VIJAYA ALIAS BABASAHEB BHONDGE

Petitioner(s)

VERSUS

THE ADDITIONAL COMMISSIONER, NASHIK REGION,
NASHIK & ORS.

Respondent(s)

IA No. 122239/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 122241/2025 - EXEMPTION FROM FILING O.T.

Date : 13-05-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SUDHANSHU DHULIA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) : Mr. Sachin Patil, Adv.
Mr. Kailas Bajirao Autade, AOR

For Respondent(s) : Mr. Anand Dilip Landge, AOR
Mr. Amol Dhonde, Adv.

UPON hearing the counsel the Court made the following
O R D E R

After hearing both the parties, we are *prima facie* of the opinion that though the petitioner may have raised the construction beyond the prescribed limits, for which he was allotted the land, and thereby may have violated certain norms and regulations relating to construction of buildings, but all the same, we cannot see how this can be called an 'encroachment'.

Since an 'encroachment' is alleged against the petitioner, which has also got a stamp of the High Court vide impugned order, the petitioner would be disqualified to be a member of the Gram

Panchayat or a Deputy Sarpanch for that matter.

Considering the arguments of both the sides, we are *prima facie* of the view that a case has been made out by the petitioner for our interference. We, therefore, issue notice to the respondents, returnable on 29.07.2025, and stay the operation of the order dated 20.12.2023 passed by the District Collector, Ahmednagar in Gram Panchayat Dispute Application No. 42/2023 and also the impugned order dated 02.05.2025 passed by the High Court.

Notice is accepted by Mr. Anand Dilip Landge, Advocate-on-Record, appearing for Respondent No. 3.

The petitioner is permitted to serve notice on the standing counsel for the State.

(JAYANT KUMAR ARORA)
ASTT. REGISTRAR-cum-PS

(RENU BALA GAMBHIR)
ASSISTANT REGISTRAR