



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3243 OF 2025

ANUSAYA BALAJI BHAVE

.. Petitioner
(Orig. Respondent)

VERSUS

1. THE COLLECTOR

Nanded, Dist. Nanded

2. VILLAGE DEVELOPMENT OFFICER

3. SAMPATI SUDAM BHAVE

(Orig. Disputant)

4. BLOCK DEVELOPMENT OFFICER

5. RAMABAI SUDAM BHAVE

.. Respondents

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Advocate for Petitioner: Mr. U. B. Deshmukh

AGP for Respondent No.1: Mr. K. B. Jadhavar

Advocate for Respondents No.2&4: Ms. Yogita Thorat

Advocate for Respondent No.3: Mr. G. K. Naik Thigle

Advocate for Respondent No.5: Mr. G. J. Pahilwan

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CORAM : ARUN R. PEDNEKER, J.

RESERVED ON : 26.08.2025

PRONOUNCED ON : 08.09.2025

ORDER:

1. Heard.

2. By the present petition, the petitioner is challenging the impugned order dated 03.02.2025 passed by the Collector disqualifying the petitioner under Sections 7 and 36 of the Maharashtra Village Panchayats Act as the Sarpanch of the village

panchayat Sawargaon Taluka Loha District Nanded. She also challenges the byelection dated 10.03.2025 and prays that the petitioner be restored to her original position as such.

3. The brief facts giving rise to the present petition are summarized as under.

The petitioner was elected as a Sarpanch in February-2021. Notice dated 07.06.2022 given to the petitioner by the Collector calling upon her to appear before him and produce the document regarding meeting held by her and to make submissions. Thereafter, the Collector on hearing the petitioner passed the order disqualifying the petitioner. The said notice dated 07.06.2022 and order dated 10.11.2022 was challenged before this court being defective as it does not mention the charges against the petitioner. As such, this court by order dated 24.04.2024, in Writ Petition No.11439 of 2022 set aside the order passed by the Collector dated 10.11.2022 disqualifying the petitioner and granted liberty to the Collector to issue fresh notice by mentioning the charges. Thereafter, fresh notice was issued by the Collector. Again, it appears that there was another round of litigation, wherein this court by order dated 29.11.2024 in Writ Petition No.11733 of 2024 passed order disposing of the petition with direction to the Collector to give fresh notice to the petitioner after framing

charges and directed him to give at least two days time to the petitioner to respond. It was also observed in the order that the Collector shall also record its satisfaction / dissatisfaction and record the reason as to why he finds the reasons stated by the petitioner to be satisfactory / unsatisfactory and pass speaking order by giving reasonable opportunity of hearing to the petitioner. After the matter was remitted back, charges were framed against the petitioner.

4. The learned counsel for the petitioner submits that the impugned order disqualifies the petitioner under Section 7 and 36 of the Maharashtra Village Panchayats Act vide order dated 10.11.2022. The office of respondent no.1 issued fresh notice to the petitioner on 21.01.2025 by framing charge calling upon her to submit her reply on 30.01.2025. Thereafter, the petitioner filed documentary record of proceeding of gramsabha before respondent no.1. On considering the material produced, the petitioner is disqualified as the Sarpanch by the impugned order dated 03.02.2025. By the impugned order respondent no.1 held that the petitioner failed to hold the required number of Gramsabha meetings. In the financial year 2021-2022, in place of 4 gramsabha meetings the petitioner has not taken 3 gramsabha meetings and,

as such, disqualified the petitioner under Section 7 of the Maharashtra Village Panchayats Act, 1958.

5. In the impugned order it is observed that the petitioner has held all the monthly meetings. It is also observed that the permission was granted to conduct the meeting by following the procedure due to Covid. As per the reply and documents produced by the Petitioner / Sarpanch the documents indicate that the only 10 peoples were in the meeting. So also, there is no signature of gramsevak and sarpanch of meeting dated 19.11.2021. As far as meeting dated 26.01.2022 the record produced is incomplete and there is no signature of sarpanch and gramsevak. As such, based on the material available the Collector has held that in the year 2021-2022 out of the 4 gramsabha meetings only 1 grams sabha meeting is taken.

6. It is observed in the impugned order that the Chief Executive Officer, Zilla Parishad, Nanded has by letter dated 15.08.2021, 02.10.2021 and 26.01.2022 had given permission to hold the gramsabha meetings by keeping social distancing and the same is stipulated by the Block Development Officer however there is no record produced of holding gramsabha meetings.

7. The learned counsel for the petitioner has pointed out at page 126 of the petition i.e. the records of the gramsabha meetings dated 26.01.2022. The said record indicates the signature of the sarpanch as well as the Village Development Officer (gramsevak). The learned counsel for the petitioner has pointed out that all the 4 gramsabha meetings, which the petitioner was required to hold first being in the month of April-May; the same is during the Covid. As regards the Gramsabha meeting dated 15.08.2021 again there was Covid. In October-November and January 26th meetings the learned counsel for the petitioner submits that the Circle Officer has given an affidavit that on 26.01.2022 the gramsabha meeting was held. So also, the affidavit of Mr. Sambhaji Haldewad - Gramsevak / Gramvistar Adhikari, that Gramsabha meeting was held on 22.11.2021. These affidavits were filed before the concerned authority however the affidavits are not relied upon by the Collector in absence of formal proof of meetings.

8. It appears from the impugned order that the petitioner has conducted all the monthly meetings however as per the impugned order she has not conducted 3 gramsabha meetings. That, there is affidavit filed by the concerned Gramsevak before the authorities that the said Gramsabha meetings were conducted.

However, it is observed in the impugned order by the Collector that the affidavit is filed by the Gramsevak but there is no proof of meeting given by the Grmasevak. The Collector has held that there is only signature of 10 persons and there is no signature of gramsevak or sarpanch in the meeting dated 22.11.2021 and 26.01.2022. However, the document at page 128 would indicate that for the proceedings of meeting of 26.01.2022 signature of the Sarpanch, so also, of the Gramsevak / Village Development Officer is seen.

9. From the above discussion, it appears that the petitioner has conducted all the monthly meetings. However, as regards the gramsabha meetings the Collector has held that only 1 gramsabha meeting is conducted. There is material on record prima facie to indicate that some other Gramsabha meetings are also held. So also, it is relevant to note that alleged contravention is during the Covid period and merely because permission was granted by the Zilla Parishad to hold the gramsabha meetings by maintaining social distancing may not be sufficient when the petitioner has pointed out that in their village there were large number of covid patients during the relevant time.

10. This court has made the elections to the post of the petitioner subject to the outcome of this writ petition by order

dated 07.03.2025. In the interregnum election to the post of Sarpanch were held from the remaining panch members of the village. It appears that the post of Sarpanch was reserved for S.C. candidate. It is stated before me that the only other candidate available from S.C. category other than the petitioner is the newly added respondent no.5, who is elected to the post. Respondent no.5 had refused to accept service, as such, on 04.08.2025, this court held that the notice be deemed to be served upon respondent no.5.

11. While the matter was being argued respondent no.5 entered appearance and made submission. The petition is also defended by the complainant, who is the son of the presently elected Sarpanch i.e. respondent no.5.

12. Perused the record. It appears that the Collector has not dealt with the entire aspect of the matter. There are some errors in the order as regards the signature of the sarpanch in the meeting dated 26.01.2022. From the record produced, it is seen that the Sarpanch and the Gram Vikas Officer has signed the same, although, in the impugned order it is mentioned that there is no signature of the Sarpanch and the Gram Vikas Officer. So also, it is pertinent to note that the petitioner has held all monthly meetings as per the impugned order. Mere non holding of some of the Gramsabha meetings is not sufficient for disqualifying the

petitioner, who is an elected person. The reasons for not holding of the meetings has to be considered as to why the meetings could not be held more particularly when the petitioner had pointed out the prevalent Covid situation. The Collector has not appreciated the entire evidence of conduct of Gramsabha meeting. Also, this court directed the Collector to consider the reason for not holding the Gramsabha meetings. However, the Collector has failed to examine the reasons. Paragraph No.5 of the order dated 24.04.2024, passed in Writ Petition No.11439 of 2022, in this regard reads as under:

“5. It appears from the documents placed on record that though the report of the Block Development Officer shows that the petitioner failed to convene the meeting for the year 2021 and 2022, she had conducted two Gram Sabha’s. The world knows that during that period, the Covid-19 pandemic was highly spread and the entire world was lock-down. As per the directions of the Hon’ble Supreme Court and the Government, many offices were closed. Covid-19 pandemic was spread largely all over the villages and towns. It appears that the Block Development Officer has unnecessarily got the report prepared from the extension officer. The report of the Block Development Officer reveals that since the documents/proceeding books were produced, an inference could be drawn that no meetings were held. There is nothing mentioned in the report what action he has taken against the Gram Sevaks for not producing the documents. In view of the situation, the explanation of the petitioner that since there was transfer of six Gram Sevaks during her tenure, the record may be with the earlier Gram Sevak. However, nothing is discussed in the impugned order. Not a single reason on the defence has been mentioned in the petition.”

13. Considering the same, the impugned order dated 03.02.2025, passed by the Collector is quashed and set aside and the matter is remanded back to the Collector. The Collector to decide the same in accordance with law by considering entire evidence afresh with respect to the conduct of Gramsabha

meetings as pointed above and, also, to consider the reasons for non-holding of Gramsabha meetings, if the Collector comes to the conclusion that only one or more meetings are not held by the petitioner. This court has already observed in it's earlier order dated 07.03.2025, that the election to the post of petitioner would be subject to the outcome of the present writ petition. Thus, the bye-elections dated 10.03.2025 is also set aside. The petitioner, thus, stands restored to it's position as Sarpanch till the decision of the Collector.

14. The Writ Petition stands disposed of accordingly.

[ARUN R. PEDNEKER, J.]

15. At this juncture, the learned counsel for the original complainant prayed for status-quo. Since, I have already set aside the disqualification order, thus, the prayer for status quo as of today cannot be entertained and the same is rejected.

[ARUN R. PEDNEKER, J.]

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