

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR**

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1088 OF 2026

Nikhil Anandrao Patil ... Petitioner
Age – 33, Occu. Agriculturist & Social Worker,
R/at Nerli, Tal. Karveer, Dist. Kolhapur

Vs.

1. The State of Maharashtra
2. Divisional Commissioner, Pune Division, Pune.
3. Chief Executive Officer, Zilla Parishad,
Dist. Kolhapur
4. Block Development Officer, Panchayat Samiti,
Karveer, Tal. Karveer, Dist. Kolhapur.
5. Prakash Krishnat Dhangar
6. Pravin Rajaram Gavali
7. Ashok Bapu Magdum
8. Dayanand Shamrao Jadhav
9. Suresh Pandurang Patil
10. Vasundhara Sadashiv Chougule
11. Ajita Krishnat Patil
12. Vaishali Uttam Sutar
13. Sumitra Krishnat Sugar
14. Sanjeevani Sanjay Kamble
15. Sunita Prakash Chougule
16. Rani Dnyandeskar Khot
17. Sadashiv Sitaram Chougule
18. Krishnat Pandurang Patil
19. Krishnat Sadashiv Sutar
20. Uttam Balaso Sutar
21. Prakash Shivaji Chougule
22. Secretary / Village Development Officer,
Grampanchayat, Nerli, Tal. Karveer,
Dist. Kolhapur

... Respondents

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Mr. K.K. Sasavade for the Petitioner.

Mr. Drupad S. Patil a/w Rugwed R. Kinkar. Balasaheb Ligade for

Respondent No.5.

Mr. A.P. Vanarase, AGP for the Respondents- State

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CORAM : SHAILESH P. BRAHME, J.

**RESERVED ON : 7th AUGUST, 2026.
PRONOUNCED ON : 28th AUGUST, 2026.**

JUDGMENT :-

. Heard.

2. Rule. Rule is made returnable forthwith with the consent of the parties.

3. The petitioner is taking exception to the order dated 20.02.2026 passed by Minister quashing order of removal passed against respondent No.5 – Sarpanch by the Commissioner. The petitioner along with private respondents are the persons at whose instance action for removing the respondent No.5 – Sarpanch was undertaken under Section 39 of the Maharashtra Village Panchayats Act, 1959 (hereinafter referred to as the “said Act”).

4. The respondent No.5 was elected as Sarpanch for the tenure from 12.01.2023 to 11.01.2028 of Grampanchayat, Nerli. The petitioner and others had made complaint against him on 17.10.2023 and 01.11.2023 for the financial illegalities. The respondent No.4 – Block Development Officer (BDO) visited office of Village Panchayat twice

and submitted a report dated 20.12.2023 to the respondent No.3 – Chief Officer. The respondent No.3, in turn, submitted report cum proposal seeking approval to initiate action under Section 39 of the said Act. After receiving positive response, detail inquiry was conducted and the report was submitted by the Chief Officer on 09.12.2024 to the respondent No.2 – Commissioner.

5. The respondent No.5 was called upon to submit his explanation for the allegations levelled against him. After hearing the stake holders, respondent No.2 – Commissioner removed him vide order dated 20.06.2025. Being aggrieved, respondent No.5 preferred Appeal under Section 39(3) of the Act before respondent No.1. By impugned judgment, respondent No.1 exonerated respondent No.5 and quashed the order of removal.

6. Learned counsel for the petitioner submits that impugned order of the Minister is perverse as the concurrent finding of facts recorded by the authorities below are interfered with in a casual manner. It is concurrently recorded by respondent Nos. 2 to 4 that the respondent No.5 was guilty of financial illegalities and misuse of the power. The learned Minister passed very cryptic order. It is submitted that the Sarpanch is liable under Section 39 of the Act and his conduct is against the Maharashtra Audit Code. It is further submitted that the documents relied upon by respondent No.5 which are annexed along with his

affidavit-in-reply are afterthought. Those were not produced before the authorities below. It is submitted that the respondent No.5 is guilty of corrupt practices and he acted in dishonest and non-transparent manner.

7. *Per contra*, learned counsel Mr. Drupad Patil would submit that respondent No.5 had followed due procedure of law while executing work and by following norms the work was completed. The work estimate was got approved vide Resolution dated 29.04.2023. My attention is adverted to the Resolution, Public Notice, Register maintained by the Village Panchayat Office and the Certificates. It is submitted that the findings of Commissioner are perverse and against the record. It is submitted that no notice was ever issued to the Panchayat Samiti and no report was called for from Panchayat Samiti. There is violation of Section 39 of the Act. It is submitted that the democratically elected member cannot be unseated for mere irregularities.

8. It is further submitted that the various items of the work under the 15th Finance Commission has already been completed. The certificates to that effect are produced on record. The allegations against the respondent No.5 are stated to be baseless. It is further submitted that the learned minister has considered all aspect of the matter and exonerated the respondent No.5, though impugned order is

not happily worded. It is submitted that no case is made out by the petitioner to cause any interference in the impugned judgment and order.

9. The Block Development Officer conducted threadbare inquiry and submitted report recommending action under Section 39 of the Act. It is relevant to notice following provision of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961:

“98. Powers and functions of Block Development Officer

*(1) ******

*(a) ******

*(b) ******

(2) A Block Development Officer shall—

(a) have the custody of all papers and documents connected with the proceedings of meeting of the Panchayat Samiti;

(b) save as otherwise provided by or under this Act, exercise executive powers in the Block for the purpose of carrying out the provisions of the Act therein;

(c) draw and disburse money out of the grant or grants payable to the Panchayat Samiti under [sub-section (6) of section 155 and section 188];

(d) in relation to works and development schemes to be undertaken from block grants, exercise such powers of sanctioning acquisition of property or sale or transfer thereof as may be specified by the State Government.”

10. Considering the powers and the functions of Block Development Officer who conducted threadbare scrutiny of the matter would be the

answer to the submission of the respondent that no notice was issued to the Panchayat Samiti. I find that there is sufficient compliance of statutory procedure contemplated by Section 39(1) of the Act. The responsible officer of the Panchayat after collecting the material submitted report and submitted report to the Chief Officer. Interestingly, petitioner did not raise any grievance of not issuing notice to the Panchayat Samiti before respondent No.2 Commissioner or before Minister. I find no substance in the submission of counsel for the respondent No.5.

11. After receiving the complaints from the petitioner and others, Deputy Chief Officer had directed Block Development Officer to conduct detailed inquiry. Block Development Officer visited twice to the office of the Gram Panchayat concerned. After considering the record produced before him, submitted report on 20.12.2023 recommending action under Section 39 of the Act. The respondent No.3 Chief Officer solicited approval from the Commissioner for conducting inquiry. He also independently conducted inquiry. The respondent No.5 was also heard. He submitted report on 09.12.2024 to the respondent No.2 Commissioner recommending the action under Section 39 of the Act. Accordingly the order of removal was passed by the respondent No.2 on 20.06.2025.

12. The respondent No.5 was extended opportunity of hearing,

apprising the charges and documents. His explanation was considered. Thereafter, order was passed on 20.06.2025 under Section 39(1) of the Act. It reveals from record that the detail reports were submitted by Block Development Officer as well as Chief Officer dealing with the charges against the respondent No.5. An independent scrutiny has been conducted by three authorities namely Block Development Officer, Chief Officer and the Additional Commissioner to arrive at conclusion that respondent No.5 is responsible for violating the norms laid down in the Audit Code of 2011, and norms applicable to financial matters.

13. The perusal of the impugned order passed by Minister does not disclose the objective scrutiny of the charges leveled against the respondent No.5, findings recorded by the authorities below and consideration of material for the charges. No independent reasons are assigned for charges leveled against him. The observations are cursory. The learned Minister was obliged to deal with the findings recorded by the authorities below to exonerate the respondent No.5. I find that impugned judgment is unsustainable.

14. I have gone through the documents produced by the respondent No.5 along with affidavit in reply. The meeting conducted on 29.04.2023 and minutes of meeting dated 15.05.2023 would ostensibly disclose that some procedure was followed. The advertisement which is sought to be produced is undated. The work orders are not placed on

record. The documents sought to be produced by the respondent No.5 to justify the explanation are doubtful. The certificate of satisfactory completion of the work issued on 01.07.2023, extracts of the registers and letter dated 09.09.2024 are produced for the first time in the High Court.

15. I am of the considered view that the learned Minister did not take into account the reports of the sub-ordinate authorities. The respondent No.5 has also produced couple of documents for the first time in the High Court. It is necessary to conduct the objective scrutiny before conducting drastic action against the respondent No.5. I find that the matter needs to be remanded to the Minister for considering it afresh by extending opportunity to the parties. The judgments cited by the counsel for the petitioner and respondents can be gone into by the respondent No.1.

16. The ratio laid down by this Court (Aurangabad Bench) on 03.05.2023 in the case of *Dnyaneshwar Shridhar Matkar Versus State of Maharashtra and Ors.*¹ in Writ Petition No.3885 of 2023 cited by counsel for the respondent No.5 would be of no avail to him. I have already observed that the responsible Officer of Panchayat Samiti conducted inquiry and submitted report to the Chief Officer. There is no violation of Section 39(1) of the said Act.

17. The reliance on the judgment of this Court (Aurangabad Bench)

¹ 2023 SCC OnLine Bom 1023.

in the case of *Sadhuram Jivan Kamble Versus The State of Maharashtra and Ors.*, passed on 08.07.2024 in Writ Petition No.11638 of 2022, and on the judgment of this Court in the case of *Jayeshree Gajanan Waghmare & Anr. Versus Divisional Commissioner, Konkan Division, Navi Mumbai & Ors.*, passed on 11.03.2024 in Writ Petition No.10135 of 2023 along with other connected writ petitions, would not help the respondent No.5.

18. In the present case, the Block Development Officer submitted his report dealing with the charges to the Chief Officer. The Chief Officer conducted independent inquiry and submitted report to the Commissioner. Thereafter, the order of removal was passed. The facts of cited judgments are distinguishable. In the present case, there is sufficient compliance of Section 39 of the said Act.

19. For the foregoing reasons, I, therefore, pass following order:

::ORDER::

i] The impugned judgment and order passed by respondent No.1 Minister dated 20.02.2026 is quashed and set aside and the matter is relegated to the respondent No.1 to decide it afresh as per due procedure of law.

ii] Parties shall appear before the respondent No.1 on 15.09.2026.

iii] Rule is made absolute in above terms. There shall be no order as to costs.

[SHAILESH P. BRAHME, J.]

20. After pronouncement of the judgment, the learned counsel for the respondent would submit that his client is presently working as Sarpanch of concerned Village Panchayat, as the impugned judgment was in his favour . The same arrangement is requested to be continued.

21. The learned counsel for the petitioner opposes the request on the ground that the respondent has been held guilty of financial illegalities by Additional Commissioner. It is submitted that the continuation of the respondent as Sarpanch would not be in the interest of administration of the Village Panchayat.

22. By the impugned judgment, the order of removal passed by the Commissioner was quashed and set aside and the operation of the said order has not been stayed by this Court. In that view of the matter, the submission of the counsel appearing for the respondent can be accepted that his client is working as a Sarpanch. The same arrangement shall be continued for a period of four (4) weeks from today.

23. It would be open for the respondent to solicit appropriate interim orders from the learned Minister. The learned Minister is requested to decide the matter expeditiously.

[SHAILESH P. BRAHME, J.]