

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

WRIT PETITION NO. 12370 OF 2018

JLJA VASANT GANGURDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the Petitioner : Shri Bagul D.S..
AGP for the Respondents/ State : Shri P.N.Kutti.
Advocate for Respondents 6 to 11 : Shri N.N.Desale.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 01st November, 2018

Per Court:

1 The Petitioner prays for deleting Respondent Nos.12 and 13 as they are his supporters and are not the contesting Respondents. Deletion is permitted at the risk of the Petitioners. The same be carried out forthwith.

2 The Petitioner is aggrieved by practically a single sentence order passed by the District Collector, Dhule refusing to deal with Gram Panchayat Dispute Application No.48/2018 by his order dated 19.10.2018.

3 I called upon the learned AGP to submit as to what are the reasons underlying the order of the District Collector in refusing to deal with the proceedings. The learned AGP finds himself in difficulty to make

any statement because there is not a single sentence worth calling reasons or conclusions of the District Collector by which, it could be gathered that there are definite reasons for him to refuse to deal with the matter.

4 The learned AGP points out that page 62 is the actual order passed by the District Collector, who has noted that he has heard the litigating sides, perused the papers, perused the no confidence proceedings and as the presiding officer of the no confidence proceedings has answered the issues, the District Collector agrees with the same.

5 When called upon, the learned Advocate appearing on behalf of the contesting Respondent Nos.6 to 11 submits that he cannot identify the reasons as to why the District Collector has passed the said order.

6 Considering the above, even if page 62 is considered to be an order passed by the District Collector and page 63 is a communication by which, he conveys his order to the litigating sides, I find it to be a strange approach on behalf of the District Collector. When a statutory dispute application is filed in view of the statutory provision available under the Maharashtra Village Panchayats Act, the statutory authority, namely, the District Collector is not expected to abdicate his jurisdiction by concluding that all the issues are considered in the no confidence resolution and he agrees with the said conclusions. It is high time that the District Collector must realize his powers and the manner of considering such proceedings. He is a statutory authority under the Maharashtra Village Panchayats Act

and the legislature has reposed faith and confidence in such authorities whereby, it is expected that the said authority would do justice to the job and would consider such proceedings as are to be considered by any judicial or quasi-judicial authority. I expect that the District Collector, Dhule would consider his role in proper perspective and pass a reasoned order since I am remanding the proceedings to his office for reconsideration.

7 In view of the above, this Writ Petition is partly allowed with the following directions :-

- (a) The impugned order dated 19.10.2018 at page 62 and the communication dated 19.10.2018 at page 63 stand quashed and set aside.
- (b) Gram Panchayat Dispute Application No.48/2018 stands remitted to the office of Respondent No.2/ Collector.
- (c) The litigating sides shall appear before Respondent No.2 on 22.11.2018 at 12:00 noon. Formal notices need not be issued.
- (d) Thereafter, the District Collector shall consider the case of each of the litigating sides and after concluding the hearing, shall himself pass a reasoned order, which would indicate that he has considered all the contentions of the litigating sides and has assigned reasons in support of his conclusions.
- (e) By consent of the parties, the District Collector would

endeavour to decide the proceedings on or before 31.12.2018.

- (f) Since the charge of the Sarpanch is handed over to the Up-Sarpanch and in any case, the case of the Petitioner will not be covered under the first proviso to Section 35(3) of the Maharashtra Village Panchayats Act as the dispute is now remitted and pending, she cannot be restored. Nevertheless, as per the same proviso, since the motion is not confirmed by the District Collector in view of this Court having set aside the impugned order, the position would not be deemed to have fallen vacant till the District Collector decides the proceedings.