

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

WRIT PETITION NO.11395 OF 2022

**SAPNA GULAB PATIL
VERSUS
THE STATE OF MAHARASHTRA THROUGH ADDL. COMMISSIONER
AND OTHERS**

...
Mr. S. S. Gangakhedkar h/f Mr. Mahesh S. Deshmukh,
Advocate for the Petitioner.
Mrs. G. L. Deshpande, AGP for Respondents-State.
...

CORAM : SANDEEP V. MARNE, J.

DATED : 17th NOVEMBER, 2022.

PER COURT:-

1. This petition is filed challenging the order dated 09.11.2022 passed by the Collector, Jalgaon disqualifying the petitioner for being a Sarpanch under the provisions of Section 14(1)(j-3) of the Maharashtra Village Panchayat Act, 1958.

2. The petitioner was earlier disqualified by the Collector by order dated 14.03.2022. In an Appeal preferred by the petitioner before the Additional Commissioner, Nashik, the order of the Collector was set aside and the proceedings were remanded back for fresh decision. The Collector thereafter proceeded to hear the parties. He has decided the proceedings on 09.11.2022 against the petitioners. However, what is pronounced is only the operative portion of the order, stating that the detailed order would be made available within

21 days. It is further directed that the period of limitation for filing an Appeal shall be computed from the date of issuance of the detailed order. However, the order is directed to be implemented forthwith.

3. The manner in which the Collector has passed only operative order without making available detailed reasoned order is not appreciated. The Collector ought to have pronounced operative portion alongwith reasoned order. This procedure of pronouncing only operative portion of the order and making detailed order available after a period of 21 days is required to be deprecated and is deprecated.

4. The present petition is accordingly disposed of with direction that the order dated 09.11.2022 passed by the Collector shall come into effect only from the date on which detailed order would be made available to the parties. Till that time, the order dated 09.11.2022 shall not be implemented.

5. Needless to state that, after the detailed order is made available to the parties, the petitioner shall be at liberty to avail statutory remedy of filing Appeal against the same.

(SANDEEP V. MARNE)
JUDGE