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

WRIT PETITION NO.13911 OF 2021

PIRAJI DAWALAJI GAIKWAD  
VERSUS  
THE COLLECTOR AND OTHERS

...

Mr U. B. Deshmukh, Advocate for petitioner;  
Mr K. B. Jadhavar, A.G.P. for respondent Nos.1 & 3  
Mr A. B. Kadethankar, Advocate for respondent No.2

**CORAM : SMT. BHARATI DANGRE, J.**

**DATE : 13th January, 2022**

**PER COURT:**

1. Heard the learned Counsel for the petitioner, the learned Counsel for respondent No.2 and the learned AGP appearing for respondent Nos.1 and 3.

The petitioner is aggrieved by an order passed by the Collector, Nanded, on 14/09/2021, rejecting the plea raised by the applicant before the Collector to the effect that respondent Nos. 5 and 6, who were elected as members of village Panchayat, Bawalgaon, Tq. Biloli, Dist. Nanded had failed to submit election expenses within time and manner required by the State Election Commission and therefore, they had incurred disqualification as prescribed under Section 14 (B) (1) of the Village Panchayat Act,

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1958 and they ought to have been disqualified for being members of the panchayat or for contesting the election in the said capacity for a period of five year from the date of the order.

2. Perusal of the documents appended to the writ petition and on hearing the learned Counsel for the respondents, it can be seen that the respondent Nos.5 and 6 came to be elected as members of the village panchayat on 18/01/2021. The petitioner preferred an application on 07/06/2021 to the Collector, seeking a declaration that these candidates should be disqualified, since they have failed to submit the election expenses within period of 30 days of their election and they have incurred a disqualification. In the application the petitioner pleaded that he was in possession of certain documents, which would reveal that entire documents pertaining to the expenses of the election are not submitted by the elected candidates. The application came for consideration before the Collector Nanded and on hearing the learned Counsel for the applicant/petitioner, he called for a record from the Tahasildar, Biloli and the report, in turn informed him that the election expenses have been forwarded by the said candidates within period of 30 days of the election in the prescribed format. On expressing the satisfaction that the election expenses have been

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submitted, within time and in the manner required by the State Election Commission, the Collector Nanded rejected the application.

3. Perusal of Section 14 (B) (1), which came to be inserted in the Maharashtra Village Panchayat Act (an Amendment Act 2010), contemplate a disqualification by the State Election Commission of a person, who has failed to lodge an account of election expenses, within time and manner required by the State Election Commission and if he has no reason or jurisdiction for such failure. The failure to abide by the said requirement contemplated under Section 14 (B) (1), a candidate is liable to be declared as disqualified for being a member or contesting election for being a member for period of five years from the date of passing of the order.

The powers conferred under Section 14 (B) (1) is to be exercised by the State Election Commission on being satisfied that the contingencies stipulated in the said section have occurred, resulting into disqualification of the said person. The wording used “is satisfied” depict the satisfaction of the State Election

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Commission and in the present since power has been delegated to the Collector.

4. Perusal of the impugned order would clearly reveal the said satisfaction since in order to satisfy himself about the existing situation, a fact finding report from the Tahasildar was called for and which reported that these two candidates have submitted their expenses of election within time and in the prescribed format. That is the end of the matter.

The impugned order, therefore, do not warrant any interference at the instance of the petitioner, who is not satisfied about the submission of the election expenses, but in any case, it is not his satisfaction, but the satisfaction of the State Election Commission, which would incur a disqualification under Section 14 (B) (1). The petition, being devoid of any merits and substance, is dismissed.

**(SMT. BHARATI DANGRE, J.)**

sjk