

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 1103 OF 2022

Santosh Dnyanbarao Shelke, Aged
about 40 years, Occ. Agriculturist,
Kamathwada, Post. Bathuma, Tah.
And Distt. Washim.

.... **PETITIONER**

// VERSUS //

1. The Collector, Washim, Tah. & Distt.
Washim.
2. Sou. Varsha Jagan Surve, aged about
adult, occ. Household and Sarpanch
of Gram Panchayat, Chikhli Khurd,
Tah. & Distt. Washim
3. The Secretary, Gram Panchayat,
Chikhli Khurd, Tah. And Distt.
Washim.

.... **RESPONDENTS**

Shri S.D. Chande, Advocate for the petitioner.
Shri Kadu, Addl. G.P for respondent no. 1.

CORAM : ROHIT B. DEO, J.
DATED : 07.03.2022

ORAL JUDGMENT :

Heard. **RULE.** With consent, the petition is heard finally.

2. The petitioner is assailing the order dated 18.12.2020 rendered

by the Collector, Washim, whereby the application preferred by the petitioner seeking removal of the respondent 2 -Sarpanch from office, is rejected.

3. The application seeking removal is predicated on the assertion that the Sarpanch did not convene the meetings of the Gram Panchayat as is the mandate of the Section 36 of the Maharashtra Village Panchayats Act ('the Act').

4. Section 36 of the Act reads thus :

“36. Time and place of sitting of Panchayat and procedure at meeting – The time and place of sitting, and the procedure at a meeting of the Panchayat shall be such as may be prescribed :

[Provided, that, if the Sarpanch or in his absence the Upa-Sarpanch, fails without sufficient cause, to convene the meetings of the Panchayat in any financial year according to the rules prescribed in that behalf, he shall be disqualified for continuing as Sarpanch or, as the case may be, Upa-Sarpanch or for being chosen as such for the remainder of the term of office of the members of the Panchayat. The decision of the Collector on the question whether or not there was sufficient cause shall be final.]”

5. It is not the failure to convene meetings that *ipso facto* entails removal. The removal can only be, if meetings are not convened without sufficient cause. This is clearly discernible from a plain reading of the provisions. Be that as it may, a finding of fact is recorded by the Collector that the meetings have been as a fact, convened. While the learned Counsel for the petitioner Mr.Chande submits that the affidavit, which is filed on the record by the Panch-Witness, is not considered by the Collector, in writ

jurisdiction, I am not inclined to interfere with the findings recorded.

6. No perversity as such, is discernible from the order impugned.

7. Notably, the report submitted by the Block Development Officer, Panchayat Samiti, Washim supports the stand of the Sarpanch that as of fact, the meetings were duly convened. The Collector has *inter alia* accepted the said report.

8. The limits of writ jurisdiction, make further scrutiny of the material on record, inappropriate.

9. The petition is dismissed.

(ROHIT B. DEO, J.)

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