

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.3543 OF 2023**

**RUKMINIBAI GORAK THAKRE BHIL ALIAS RUKHMABAI
GORAKH THAKRE
VERSUS
THE COLLECTOR DHULE AND OTHERS**

...
Mr. Sanket N. Suryawanshi, Advocate for the Petitioner.
Mr. S. B. Yawalkar, AGP for Respondents-State.

...
**CORAM : NITIN W. SAMBRE AND
S. G. CHAPALGAONKAR, JJ.
DATE : 28th MARCH, 2023.**

P.C:-

1. The petitioner, a Sarpanch elected in January, 2021 is pressing an application for disqualification pursuant to the provisions of Sections 14(1)(g) and 16 of the Maharashtra Village Panchayat Act.

2. The reasons for aforesaid proceedings being initiated against the petitioner are the petitioner in the capacity of Sarpanch deriving personal and for family, monetary gains.

3. Forming the complaint preferred by respondent no.4 as basis the respondent-Collector on September 8, 2022 directed respondent no.3-Village Development Officer to conduct an enquiry, who in turn caused a notice on 4th and 17th November, 2022. At the time of hearing of the enquiry proceedings on November 25, 2022, the petitioner claim to have sought certain documents so as to submit her explanation or defence during the enquiry so conducted. It is claimed that some of the documents were supplied on 23rd December, 2022. According to him, respondent no.3 has submitted enquiry report to the Collector

without considering the explanation of the petitioner. It is claimed that, the Collector has now fixed the matter for hearing.

4. According to the learned counsel for the petitioner, since the order of disqualification from the post of Sarpanch has adverse civil consequences, the petitioner has to be offered complete opportunity of hearing. According to him, the supply of the relevant documents and personal hearing to be granted is an essential element of principles of natural justice.

5. Learned A.G.P would urge that as long as the petitioner is supplied with all the relevant documents, there is no reason for the petitioner to believe that the Collector will not hear him in the matter and as such, sought the dismissal of the petition.

6. We have considered the aforesaid rival claims.

7. Since the proceedings are for disqualification of the petitioner from the post of Sarpanch, which has admittedly having adverse civil consequences. The said proceedings are based on a complaint preferred by respondent no.4. In such an eventuality, the petitioner is entitled for personal opportunity of hearing before the Collector including that of making available the relevant documents.

8. In this background, we direct the respondent to supply all the relevant documents, which the respondents intend to consider and rely upon for the purpose of adjudicating the prayer of respondent no.4 of disqualification of the petitioner from the post of Sarpanch. Needless to clarify that, the petitioner shall

be entitled to submit her detailed reply before the Collector, who shall ofcourse be offering personal opportunity of hearing.

9. With the above observations, Writ Petition stands disposed of.

(S. G. CHAPALGAONKAR)
JUDGE

(NITIN W. SAMBRE)
JUDGE

Sameer