

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

**WRIT PETITION NO. 11801 OF 2022**

Saliya Hina Shaikh Rafik

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Mahesh L. Muthal and Mr. Ramraje P. Magar, Advocates for the Petitioner.

Mr. K. N. Lokhande, AGP for Respondent Nos. 1 and 2.

Mr. Pradeep Shahane, Advocate for Respondent Nos. 3 and 4.

Mr. K. B. Jadhav, Advocate for Respondent No. 6.

Mr. S. K. Adkine, Advocate for Respondent No. 9.

**CORAM : KISHORE C. SANT, J.**

**DATED : 01<sup>st</sup> AUGUST, 2023.**

**P. C. :-**

. Heard learned advocates for the parties. The petition is heard for final disposal by consent of the parties.

2. The petitioner was elected to the post of Sarpanch of village Savargaon Bangala, Taluka and District Hingoli. The respondent No. 9 filed dispute before the Collector, Hingoli for declaring the petitioner as disqualified under Sections 7 and 36 of the Maharashtra Village Panchayats Act and under Rules 3 and 4 of the Maharashtra Village Panchayat (Meetings) Rules. It is the main allegation that, the present petitioner came to be elected in the month of February 2019. When

she was working as Sarpanch she did no conduct monthly meetings from March 2021 till August 2021. During the said period she has also not conducted meeting of Gramsabha and on that ground it was prayed that she be declared disqualified for holding the post of Sarpanch of the village. The learned Collector held an enquiry by giving opportunity to all the parties. He came to conclusion that, no meetings were held as alleged by respondent No. 9 and passed the order declaring the petitioner as disqualified. The petitioner is thus before this Court.

3. Learned advocate for the petitioner submits that, in fact, the meetings were held from time to time. Only the proceedings were recorded in another register by the Gramsevak. He submits that, there is record showing that the meetings were held and was attended by the members. Only difficulty expressed is that, the proceeding from the month March 2021 till August 2021 was recorded in another proceeding book as for some time the concerned Gramsevak had proceeded on leave without giving proper charge to another Gramsevak and that subsequent Gramsevak was therefore required to maintain a different register and recorded the minutes of meeting and another proceeding in different register. He submits that, on that, the learned Collector has observed that, above fact appears to be suspicious. His submission is that, merely on the ground of suspicion the learned

Collector could not have passed the order declaring the Sarpanch as disqualified.

4. Learned advocate for respondent No. 9 vehemently opposes the petition. He submits that, there is nothing on record to show that the meetings were held and the same is recorded in the register duly maintained in the office of Grampanchayat. He submits that, there is no reason for Gramsevak to record the proceedings in some other proceeding book. He submits that, in fact, no notices were given. No agenda was published and there is no other record to show that meetings were, in fact, held.

5. Learned A.G.P. also opposes the petition stating that the learned Collector has rightly held against the petitioner.

6. The respondent No. 6 – Gramsevak submits that, the record was maintained of the meetings from the month March 2021 to August 2021 in another register as the earlier Gramsevak had not handed over the charge properly.

7. Considering the above aspects, this Court finds that, the fact in the petition by the petitioner is that the proceeding was not recorded in the register specially maintained for the purpose and was taken into

some other register. However, he could not satisfy this Court as to what made the Gramsevak to record the minutes of the proceedings in some other register for all this period and excuses sought to be given is that the Gramsevak was required to leave office immediately as he lost his father. However, this cannot be taken circumstances as preventing Gramsevak for a period of six (06) months. The date of death of father of Gramsevak is also stated to be 27.09.2021 and there is no question of not making available register for period prior to that. By going to Section 7 of the Maharashtra Village Panchayats Act, it mandates that the Sarpanch shall hold at least four meetings of Gramsabha in every financial year. If the Sarpanch or Upsarpanch fails to hold such meetings without sufficient cause, he shall be disqualified for continuing as Sarpanch or Upsarpanch as the case may be. The period between two meetings shall not be allowed to lapse between two meetings is of four months. Thus, it is clear that there is violation of Section 7 of the Maharashtra Village Panchayats Act.

8. This Court finds that, in view of the submissions even the record was called. From the record it is clear that, the proceedings which are allegedly recorded of the meetings from the month March 2021 to August 2021 are in a different proceeding books. As already observed, there is no satisfactory reason given as to why it was written in a

different register. In view of this, this Court finds that, the learned Collector has rightly considered the material before him and he has rightly relied upon the reports and has come to a conclusion that, the petitioner deserves to be disqualified to hold the post of Sarpanch. No illegality is committed by the learned Collector while conducting the proceeding. He has given opportunity to the petitioner to put her case before him. As there is no ground to defend that the learned Collector has not offered any opportunity.

9. Considering all this, this Court finds that, no case is made out calling for interference at the hands of this Court. The petition therefore deserves to be dismissed and the same is hereby dismissed.

**( KISHORE C. SANT, J. )**

P.S.B.