

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No.2743 Of 2022

Gajanan Uttam Dande And Others Vs The State Of Maha., Dept. Rural
Development, Mumbai And Ors

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.J. Mirza, Advocate for the Petitioner/s
Ms Shamsi Haidar, AGP for the Respondent/State

CORAM : ANIL S. KILOR, J.
DATED : 04th May 2023

1. Shri A.J. Mirza, learned counsel has filed his Vakalatnama for the petitioners, hence, Shri Sayajee Jagtap, learned counsel, is discharged.
2. Heard.
3. In this petition, a challenge is raised to the order of disqualification of the petitioners on the ground that the petitioners failed to submit their account of expenditure of the election within stipulated time.
4. In the present matter, vide impugned order nine elected members of the respective Gram Panchayat were disqualified. It is apparent on the face of the record that the Collector, Yavatmal called all such candidates, who were elected and failed to submit their account of expenditure within stipulated time, as per the list submitted by the Tahsidlar and disqualified all the candidates

without recording their submissions and without hearing such candidates, including the petitioners.

5. It is further evident that the Collector has not passed individual order of disqualification considering the individual case of the petitioners.

6. Thus, it is apparent that the Collector has disqualified the petitioners in a casual manner, which is not permissible in view of the law laid down by the Hon'ble Supreme Court of India in the case of *Ravi Yashwant Bhoir Vs. District Collectors, Raigad and others*¹.

7. It is a settled law that unless there an opportunity of being heard is granted and the principles of natural justice are followed, no candidates can be disqualified.

8. In appeal, the Divisional Commissioner, Amravati also did not take into consideration the above referred factors and upheld the order of the Collector, Yavatmal. Accordingly, I pass the following order:

(i) The petition is partly **allowed**.

(ii) The order dated 01.02.2022 passed by the Collector, Yavatmal and impugned order dated 22.04.2022 passed by the Divisional Commissioner, Amravati, are hereby quashed and set aside and the matter is remanded back to the Collector, Yavatmal for fresh consideration and decision.

1 2012(4) SCC 407

(iii) The Collector, Yavatmal is directed to decide the matter afresh, after hearing the petitioners.

[ANIL S. KILOR, J.]