



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

Writ Petition No.6277 of 2022

Mrs. PRATIMA W/O ANANDRAO BORKAR

VS

**THE STATE OF MAHA., THR. THE DEPT. OF 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 P.M. Sinha, Advocate for the Petitioner/s
Shri S.A. Ashirgade, Addl. G.P. for the Respondent Nos.1, 3 and 4/State
Shri J.B. Kasat, Advocate for the respondent No.2
Shri Virat Mishra and Shri Kabir, Advocates for the intervnor

CORAM : ANIL S. KILOR, J.

DATED : 04.12.2023

1. Heard.
2. In this petition, the order dated 28.07.2022 passed by the Collector, Gondia, disqualifying the petitioner on the ground that she has not submitted her account of expenditure of election in time, is under challenge.
3. On perusal of the impugned order, it is evident that the Collector, Gondia has disqualified 51 candidates who got elected in the respective Grampanchayats' election under Section 14B of the Maharashtra Village Panchayat Act, 1958 on the ground that they did not submit their account of expenditure within stipulated period i.e. within 30 days.
4. From the impugned order it is further evident that without recording the respective submissions of the petitioner and the other candidates and without recording any reason, why the

Collector, Gondia did not find merits in the submissions petitioner and other candidates.

5. The impugned order shows a complete non-application of mind. The disqualification of any elected representative of Grampanchayat is a serious matter and the Collector, Gondia cannot be permitted to disqualify the elected members of the respective Grampanchayats in a casual manner. Accordingly, I pass the following order:

- (i) The writ petition is partly **allowed**.
- (ii) The order dated 28.07.2022 passed by Collector, Gondia, is hereby quashed and set aside, to the extent of the petitioner.
- (iii) The matter is remanded back to the Collector, Gondia for deciding the same afresh. The Collector, Gondia shall decide the matter after giving sufficient opportunity to the petitioner to file her reply/submission and after giving an opportunity of being heard.

Accordingly, the writ petition is disposed of in the above terms. No order as to costs.

[ANIL S. KILOR, J.]