



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

WRIT PETITION NO.6912 OF 2022

Sambbayya Mondhi Karpet .Vs. Divisional Commissioner, Nagpur Division, Nagpur and others

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

Court's or Judge's Order

Shri A.S. Fule, Advocate for petitioner.

Shri D.P. Thakare, A.G.P. for respondent Nos. 1 and 2/State.

CORAM : ANIL S. KILOR, J.

DATED : 03/11/2023

1. The order passed by the Collector under Section 14(B) of the Maharashtra Village Panchayats Act, 1958 (hereinafter referred to as “the Act of 1958”) rejecting the objection filed by the petitioner under Section 14(B) of the Act of 1958, disqualified the respondent No.4 on the ground that, he failed to submit account of expenses of election within stipulated time is under challenge in this petition.

2. The only ground on which the challenge is raised to the impugned order is that without hearing the petitioner, the order came to be passed.

3. It is submitted that though the petitioner was not heard it is recorded in the order that, the petitioner was heard.

4. Considering the limited challenge raised in the petition, the record was called. From the record, it appears

that, on the date of hearing, no signature appears acknowledging presence of petitioner on that date.

5. In the circumstances, though in the order, the Collector has observed that the petitioner was heard, in absence of his signature on the order sheet, it cannot be said that he was present on the date of hearing and he was heard.

6. In the circumstances, I am of the opinion that, the matter needs to be remanded back for deciding the application preferred by the petitioner under Section 14(B) of the Act of 1958 afresh after hearing both the parties. Accordingly, I pass the following order:

- i) The writ petitions are **partly allowed**.
- ii) The impugned order dated 02.08.2021 passed by the Collector in bearing No.53/M.R.C.-81/2021-2022, is hereby quashed and set aside.
- iii) The matter is remanded back to the Collector for deciding the same afresh and after hearing both the parties.

Writ Petition is **disposed of** accordingly. No order as to costs.

JUDGE