



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

**912 WRIT PETITION NO. 7980 OF 2024**

EKNATH KANBARAO HARAL AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND OTHERS

Mr.S.K. Sawangikar, Advocate for the petitioners.

Mr.A.B. Kadethankar, Advocate for respondent No.1.

Ms.R.R. Tandle, AGP for the respondent-State.

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

**DATE : 11.12.2024**

**PC :-**

01. Heard learned Advocates for the parties for some time. The order passed by the State Election Commission dated 01.04.2024 is under challenge. The order reads as under :-

“For the reasons mentioned above, the State Election Commission does not wish to interfere in the order passed by the Collector, Hingoli dated 23/10/2023 in respect of the Applicants. The Special Applications are hereby rejected. Collector, Hingoli shall get the documents in question examined with the help of Police and take suitable action based on the outcome of the report of such investigation. Inform the Applicants and to all concerned. No order as to costs.”

02. The learned Advocate for the petitioners vehemently argued

the petition. He submits that in-fact expenses were submitted as required under section 14-B(1) of the Maharashtra Village Panchayats Act. The account of expenses was in-fact submitted to the Treasury under wrong impression. It ought to have been taken that the account was submitted to the Appropriate Authority. The learned Collector, without considering this aspect has declared the petitioners disqualified for a period of five years. The learned State Election Commissioner, Maharashtra has confirmed the said order without considering this particular aspect. He thus prays for quashing and setting aside order passed by the Election Commissioner.

03. The learned Advocate for the Election Commissioner vehemently opposes the petition. He submits that there is no provision of giving account of expenses to the Treasury. Even assuming that the account is given to the Treasury, from the record it is revealed that the receipts issued by the Treasury office were found to be bogus. The Commissioner had called report from the Treasury Office, where the Treasury office clearly refused to have passed on such receipts/acknowledgments. The State Election Commissioner, therefore, while rejecting the application further directed to take suitable action against the petitioners by directing investigation.

04. This Court finds that the question of investigation came up before the learned Commissioner for the first time and therefore the order was passed. It is clear from the record that the receipts which were filed on record were found to be bogus in view of the report of the Treasury Office. This Court does not find any reason to interfere with the said direction.

05. So far as disqualification is concerned, the learned Collector had declared the petitioners disqualified for five years. Considering the grounds in the petition, this Court finds that the said order requires to be modified.

06. The petitioners shall be disqualified for the remainder period of the Grampanchayat.

07. With above directions, the writ petition stands disposed off.

**[KISHORE C. SANT, J.]**