



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

929 WRIT PETITION NO. 11733 OF 2024

ANUSAYA BALAJI BHAVE
VERSUS
THE COLLECTOR NANDED AND OTHERS

Mr.U.B. Deshmukh, Advocate for the petitioner.
Mr.P.D. Patil, AGP for the respondent-State.
Mr.Syed Parvez Syed Gani, Advocate for respondent No.2.
Mr.G.K. Naik-Thigle, Advocate for respondent No.3.
Mr.S.B. Pulkundwar, Advocate for respondent No.4.

CORAM : KISHORE C. SANT, J.
DATE : 29.11.2024

PC :-

01. Heard learned Advocates for the parties for sufficient long time. After hearing the parties, this Court concludes that the main thrust of the petition is when the notice was issued by the learned Collector, it was issued without framing any charge; secondly the learned Collector did not record reasons for not accepting the explanation given by the petitioner to show that for sufficient reasons Gramsabha meetings could not be held and thirdly merely because the Block Development Officer has not produced record, same cannot be said to be fault of the petitioner.

02. Considering the above, this Court finds substance in first two

submissions that there was no charge framed by the learned Collector in the notice issued to the petitioner and secondly that the Collector has not discussed anything about its satisfaction on the explanation offered by the petitioner and as to why he did not find any reason for not holding meeting. About third submissions, this Court finds that there is no merit in the said submission and the authorities have to go as per the record submitted by the Block Development Officer.

03. All the contesting parties accedes to this position. However, the learned AGP opposes for remand of the order. He submits that twice the learned Collector has done this exercise. Second time the petitioner has come to this Court by challenging the order passed by the learned Collector.

04. In view of above, this writ petition is disposed off with directions to the learned Collector to give fresh notice to the petitioner on 05.12.2024 by specifically framing the charge. After framing of charge, at least two days' time be given to the petitioner. The learned Collector shall also record its satisfaction/dissatisfaction and record the reason as to why he finds the reasons stated by the petitioner to be satisfactory/unsatisfactory and pass speaking order by giving reasonable

opportunity of hearing to the petitioner. All contentions are kept open.

05. The impugned order is quashed and set aside. Let this order not come in the way for the purpose of signatures required for financial transaction and to that extent the status-quo shall remain in force as on today.

06. The dispute shall be decided within four weeks from today. The parties shall appear before the learned Collector on 05.12.2024.

07. Learned AGP to communicate this order to the learned Collector immediately on getting copy of this order. The parties to act upon authenticated copy of this order.

[KISHORE C. SANT, J.]