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44-WP-15075-2023

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

44 WRIT PETITION NO. 15075 OF 2023

Shashikala Sahebrao Kharat

VERSUS

The State Of Maharashtra Through Its District Collector And Others

...

Mr. Sambhaji G. Munde, Advocate for the Petitioner.

Smt. R. R. Tandale, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 16th DECEMBER 2024

PC :-

1. Challenge in this petition is to an order dated 22nd November 2023 passed by the learned Collector, Jalna in Gram Panchayat Dispute. The dispute was filed by respondent No.5 for holding the petitioner disqualified under Sections 7 and 36 of the Bombay Village Panchayat Act, 1958, for not holding the meetings as required under Sections 7 and 36 of the said Act. It was alleged that, the petitioner had not held any monthly meetings or special meetings since she became Sarpanch.
2. The Collector called for the report from the Authorities. After calling for the report, the learned Collector gave hearing to all the

parties. It was the case of the petitioner before the Collector that in fact, general meetings as well as monthly meetings were held. For some period, there was a corona pandemic in the village and therefore, meetings could not be held. The Collector, however considered the report by the authorities and the record made available with the said report held that the monthly meeting for the month of June 2022 is not held. It is also held that, no general meetings were held of the village panchayat. The reason assigned by the petitioner was not accepted and the Collector allowed the dispute.

3. The learned Advocate Mr.Munde vehemently argued that, in fact, the petitioner has made out sufficient cause for not holding the meetings as there was lockdown. He relied upon the judgment of this Court in the case of *Tukaram Krushnaji Parve Vs. State of Maharashtra and Ors.*¹. This Court in the judgment held that the Collector has to consider the sufficiency of the cause for not holding the meeting. This Court considered Sections 7 and 36 of the Village Panchayat Act. He submits that in the facts of the present case the said judgment is applicable and

1 [2015(3) Mh.L.J. 652

he prays for quashing and setting aside the order passed by the Collector.

4. Though the private Respondent No.5 is served, none appears.

5. Learned AGP has opposed the petition by filing affidavit-in-reply. She justifies the order passed by the learned Collector. She submits that the Collector has rightly considered all the material aspects. The petitioner could not make out sufficient cause for not holding the meetings as required under the Act. No perversity is shown in the judgment passed by the Collector. She prays for dismissal of the writ petition.

6. This Court has gone through the order passed by the learned Collector. This Court does not find any perversity or infirmity in the judgment. So far as the judgment in the case of ***Tukaram Krushnaji Parve Vs. State of Maharashtra and Ors.*** (supra) is concerned, this court finds that in that case there was sufficient reason shown for not holding the meetings and that was accepted by this Court and in that view the order passed by the Collector was quashed and set aside. In the present case, there is no such reason appearing for not holding the meetings.

Thus, this Court finds that no case is made out calling for interference in the judgment and order passed by the Collector. Petition therefore stands dismissed. No order as to costs.

[KISHORE C. SANT, J.]