

Wadhwa

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3729 OF 2024

Ramesh Vasantrya Patil

...Petitioner

Versus

The State of Maharashtra & Ors

...Respondents

Mr Pramod Patil, *with Ajit Hon, Shyamsunder Solanke, Kunjan Jogdand, Sakshi Thombre i/b PNP & Associates, for the Petitioner.*

Mr Drupad Patil, *with Ashish Kachole, Prasad Keluskar, for Respondent No. 4.*

Mrs Rupali Shinde, AGP, *for the Respondent-State.*

CORAM G.S. Patel &
Kamal Khata, JJ.
DATED: 13th March 2024

PC:-

1. We are not satisfied that there is a ground made out for the grant of urgent ad interim relief. What was conveyed to us on mentioning this morning was quite different. It seems that the Petitioner suffered a removal from office under Section 39(1) of the Maharashtra Village Panchayats Act, 1959 (“**Village Panchayats Act**”). Indeed, the entire Gram Panchayat suffered this fate. The allegations were serious of financial misconduct. Mr Drupad Patil appears for Respondent No 4.

2. It seems that the order of the Minister was stayed. That order of the Minister was challenged before a learned Single Judge of this Court and an order came to be passed on that Petition. In the meantime, the term of the Gram Panchayat ended. Fresh elections were held. The 4th Respondent complained against the election of the Petitioner on the ground that the Petitioner had not only being removed from office under Section 39(1)(i) of the Village Panchayats Act, but by virtue of that removal had suffered a disqualification for six years (amended from five years) under Section 14(1)(d) of the Village Panchayats Act. Mr Patil points out that Section 14(1)(d) has not been amended although Section 39(1) was extensively amended.

3. If the prayer is today for an ad interim relief to allow the Petitioner to continue as a member of the Gram Panchayat, we are obviously not inclined to make any such order. Apart from anything else, the overriding reason is that the finding against the Petitioner was of financial misconduct. This is not a question of whether the order of removal from office was or was not proportionate. It is a question of the nature of the misconduct in question.

4. We permit Affidavits in Reply by Respondent No 4. Respondents Nos 1, 2 and 3 waive service. Issue notice to Respondents Nos 5 and 6. Notices are returnable on 4th April 2024.

(Kamal Khata, J)

(G. S. Patel, J)