

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**VASANT
ANANDRAO
IDHOL**

WRIT PETITION NO. 9139 OF 2024

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ANANDRAO
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Bhausahab Gangadhar Pinjan	...Petitioner
Versus	
The State Of Maharashtra	
Thr. The Additional Collector And Ors.	...Respondents

Mr.Anuj Tiwari for the Petitioner.

Mr.Ramesh Dube Patil with Mr.Swaraj Subhash Patil and
Mr.Sanjay Kokane i/b Mr.Sanjay Kokane for Respondent Nos.2 to
7.

Mr.Jay Sanklecha, AGP "B" Panel for the Respondent No.1 – State.

CORAM	:	AVINASH G. GHAROTE, J.
DATE	:	5th JULY 2024

P.C.:

1. Heard Mr.Tiwari, the learned counsel for the petitioner.

The petition questions the order dated 07.06.2024 passed by the
Additional Collector, by which the petitioner has been disqualified
for not holding the monthly meetings of the Gram Panchayat
under Section 36 of the Maharashtra Village Panchayats, 1959 Act
(M.V.P. Act) and Gram Sabha meeting for the year 2022-2023.

Mr.Tiwari, the learned counsel for the petitioner while inviting my
attention to the tables in paragraphs 6.2 and 7.6 of the impugned

order contends, that the monthly meetings of the Gram Panchayat were indeed held, which is also the position as recorded by the Additional Collector. He therefore, submits that merely because the minutes of the meeting have not been properly maintained or for that matter not recorded, cannot be a ground for disqualification of the petitioner who is a Sarpanch. He also submits, that the responsibility of convening of meetings of the Gram Sabha is not that of the Sarpanch, but of the Secretary under Section 54 (C) of M.V.P. Act. It is also submitted that the job of recording the minutes of the monthly meetings as well as of the Gram Sabha is also that of the Secretary. It is therefore, contended that on these two grounds, the disqualification of the petitioner under Sections 7 and 36 of the M.V.P. Act cannot be sustained.

2. Mr.Ramesh Dube Patil, the learned counsel for the respondent nos.2 to 7 and Mr.Sanklecha, learned AGP for respondent no.1 opposes the submission and support the impugned order contending that the provisions of Section 36 enjoin upon the Sarpanch to convene the meeting according to the Rules prescribed in that behalf.

3. A perusal of the language of the proviso to Section 36

of the M.V.P. Act indicates that the only obligation upon the Sarpanch, is to convene the meeting of the Gram Panchayat according to the Rules prescribed thereof. It is not in dispute, as it is indicated in the Chart in the impugned order in paragraphs 6.2 and 7.6, that the meetings were indeed convened. The fact that the minutes have not been properly recorded, as is indicated in the chart at paragraph 7.6, would not deter from the fact that the meetings were convened. That being the only obligation of the Sarpanch under the proviso, the plea that the minutes of the meetings were not correctly recorded, can never be a ground of disqualification.

4. It is also material to note that the responsibility of convening the Gram Sabha in light of the language of section 54 (C) ((2) of M.V.P. Act is that of the Secretary and not of the Sarpanch. Then the question of the Sarpanch failing to hold the meeting, would not arise at all. The obligation under Section 7 (1) of M.V.P. Act upon the Sarpanch is to hold the meetings and not convene it.

5. Issue notice for final disposal on 29.07.2024. Learned AGP waives notice for respondent no.1. Mr.Ramesh Dube Patil

waives notice for respondent nos.2 to 7. The petitioner to serve the respondent no.8 by returnable date by all modes permissible in law.

6. By way of *ad-interim* order the effect and operation of the impugned dated 07.06.2024 shall stand stayed. The learned AGP to convey.

(AVINASH G. GHAROTE, J.)