



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 6306 of 2023

Mala Rajesh Chauhan ..vs.. The Minister, Rural Development, Mantralaya, Mumbai and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. M. Vaishnav, Advocate for the petitioner through video conferencing
Mr. A. M. Ghogre, AGP for respondent nos. 1 and 2
Mr. R. V. Gahilot, Advocate for respondent nos. 4 and 5
Mr. M. G. Rath, Advocate for respondent no. 6

CORAM : ANIL L. PANSARE J.

DATED : 20-08-2024

In response to order dated 6-8-2024, the Divisional Commissioner, Amravati has filed affidavit mentioning therein that she has not willfully disobeyed the order passed by this Court in the previous round of litigation and further undertakes to pass detail order, if the matter is remanded back to her for consideration afresh.

2. In view of the assurance given by the Divisional Commissioner, Amravati, there appears no reason why should contempt jurisdiction be invoked in the matter.

3. For the reasons stated in the order dated 6-8-2024 where the issue involved has been considered in detail, the order dated 28-6-2023 passed by respondent no. 2 in Proceeding No. 10/MVP/1951/39(1)/Chirodi-Chandur Rly/2022 and order dated 22-8-2023 passed by respondent no. 1 in Appeal No. VPM-2023/Case No. 112/PR-6/G.P Chirodi/Tq. Chandur Rly. are quashed and set aside.

4. Proceedings under question viz. Proceeding No. 10/MVP/1951/39(1)/Chirodi-Chandur Rly/2022 is

relegated back to the Divisional Commissioner, Amravati to decide the same afresh in accordance with law and in terms of what has been observed in the order dated 6-8-2024 as also the orders passed by this Court in previous round of litigation.

5. So far as show cause notice issued to the then Minister, the same shall be considered in due course and if the blatant violation of order continues at the hands of Hon'ble Minister.

6. Writ petition is disposed of in above terms.

7. The directions issued by this Court vide order dated 15-6-2023 in Writ Petition No. 6976/2022 wherein the charge of Sarpanch was given to Upa Sarpanch shall continue until the Divisional Commissioner, Amravati takes a final decision in the matter.

8. The Divisional Commissioner shall decide the proceedings within one month from the date of receipt of this order.

9. At this stage, learned counsel for the petitioner submits that since the order passed by the authorities below have been quashed and set aside, the petitioner be restored to post of Sarpanch. This request cannot be accepted for the reason that in previous round of litigation, it was observed that serious allegations have been made against the petitioner which status continues even now. This Court in previous round opined that enquiry against these serious allegations may warrant action against the petitioner, which could attract something more than order of disqualification. It will be

thus not advisable to restore the status of the petitioner as Sarpanch considering the nature of post and duties which are to be performed by the Sarpanch vis-a-vis allegations made against her. The request is accordingly refused.

(Anil L. Pansare, J.)

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