



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition (WP) No. 7509 of 2023

Sandeep Ambadas Kumre

Versus

The Additional Commissioner, Amravati Division and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.M.Vaishnav, Advocate for the petitioner.

Ms. Sonia Thakur, AGP for the respondent/State.

CORAM : ANIL S. KILOR, J.

DATED : 16th FEBRUARY, 2024.

Heard.

2. In this writ petition the challenge is raised to the rejection of application filed by the petitioner having objection to the tenability of the proceeding under Section 39(1) of the Maharashtra Village Panchayat Act, 1959 pending before the Additional Commissioner, Amravati, seeking disqualification of the petitioner on the ground that the order is unreasoned order.

3. After going through the impugned order, I find substance in the submission of the learned counsel for the petitioner that no reasons are recorded by the Additional Commissioner while rejecting the objection raised by the petitioner to the tenability of the application for disqualification of the petitioner under

Section 39(1) of the Maharashtra Village Panchayat Act, 1959.

4. It is pointed out that today the matter is fixed at 3 p.m. for final hearing.

5. In that view of the matter, I am of the opinion that ends of justice would be subserved if the Additional Commissioner, Amravati is directed to decide the objection afresh after hearing both the parties while deciding the proceeding finally. Accordingly, I pass the following order:

- i. The writ petition is allowed;
- ii. The impugned order dated 25th October, 2023 passed by the Additional Commissioner, Amravati is hereby quashed and set aside;
- iii. The Additional Commissioner, Amravati is directed to decide the objection as to the tenability under Section 39(1) of the Maharashtra Village Panchayat Act, at the time of final disposal of the application after granting hearing to both the parties.
- iv. The Additional Commissioner, Amravati shall give sufficient opportunity to the petitioner to submit his written submissions to the main application.
- v. The writ petition is disposed of.

[ANIL S. KILOR, J.]