



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 236 OF 2025

Shaikh Mobin Abdul Kareem

.. Petitioner

Versus

The State Of Maharashtra
Through Its Principal Secretary And Others

.. Respondents

Mr. S. S. Thombre, Advocate for the Petitioner.

Mr. P. P. Dawalkar, AGP for Respondent Nos. 1 and 2.

Mr. S. A. Mulla, Advocate h/f Mr. R. K. Ingole, Advocate for Respondent Nos. 3 and 4.

Mr. Mahesh Kale, Advocate for Respondent No. 5 to 13.

CORAM : KISHORE C. SANT, J.

DATED : 26th MARCH, 2025.

P. C. :-

. Heard learned advocate for the petitioner, the learned A.G.P. for respondent Nos. 1 and 2, Mr. Kale, learned advocate for respondent Nos. 5 to 13 and Mr. Mulla, learned advocate holding for Mr. Ingole, learned advocate for respondent Nos. 3 and 4.

2. The main ground in this petition is that, while deciding the proceeding of disqualification under Sections 7 (1) and 36 of the Bombay Village Panchayats Act, 1958, the learned Collector did not frame specific charges and communicate the same to the petitioner and decided the proceeding by impugned order. It is submitted that,

this Court in earlier round of petition i.e. Writ Petition No. 6618/2024 had specifically directed the learned Collector to specify the charges which the petitioner was to answer and then to pass the order. In spite of this, as per the submission of the petitioner, the learned Collector has not framed the charges and decided the dispute.

3. The learned advocate Mr. Kale for respondent Nos. 5 to 13 submits that, in fact, the petitioner knew the charges. The proceeding itself is under Section 7 (1) and 36 of the Bombay Village Panchayats Act, the petitioner has to show that he held the meetings as prescribed under these sections. The notice of the disqualification proceeding itself is sufficient for the said purpose. He thus prays for rejection of the petition.

4. The learned A.G.P also supports the order.

5. Considering that, the learned Collector has not specifically informed the charges against the petitioner, the petitioner is justified in raising the said ground. The writ petition is, therefore, partly allowed. The learned Collector to frame specific charges and communicate it to the petitioner in writing and thereafter, by granting at least a week's time shall hear the matter afresh and pass orders afresh. The said exercise be done within four (04) weeks from today.

6. The parties to appear before the learned Collector on 01.04.2025 without requiring further notice from the learned Collector.
7. With this, the writ petition is disposed of.

(KISHORE C. SANT, J.)

PS.B.