



(1)

20-WP-268-2023

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

20 WRIT PETITION NO. 268 OF 2023

Vithabai Yadavrao Bapune

VERSUS

The State Of Maharashtra Through The Secretary And Others

...

Mr. Krishna P. Rodge, Advocate for the Petitioner.

Mr. P. D. Patil, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 15th JANUARY 2025

PC :-

1. Heard the learned Advocate for the petitioner and the learned AGP for Respondent-State.
2. None appears for the Respondent No.5 and 6, though reply is filed.
3. The short issue involved in the present writ petition is about non issuance of notice containing specific charges to the petitioner by the Collector in proceedings under Sections 7 and 36 of the Maharashtra Village Panchayat Act, 1958.
4. The petitioner is aggrieved by the judgment and order passed by the learned Collector dated 23rd December 2022 allowing the dispute

filed by the Respondent No.5. The Respondent No.5 had filed a dispute alleging that the petitioner, who was elected as Sarpanch has incurred disqualification as she has not held monthly meetings as per Section 7 and four gram sabha meetings as per Section 36 of the said Act.

5. In a dispute, the learned Collector issued notice. By notice, the petitioner is directed to appear before the learned Collector in a proceedings. There is nothing specifically stated about the exact charges, the meetings which are not held as per the allegation and the order was passed.

6. The learned Advocate for the petitioner by relying upon the judgments of this Court in the case of *Sunil Daulat. Patil Vs. The State of Maharashtra and Ors.*¹ and another judgment in the case of *Pratibha Sanjay Ghule Vs. the Additional Collector, Latur and Ors.*² In both these judgments, this Court has held that, it is necessary to give notice containing specific charges to a person, who is sought to be disqualified.

7. In the present case, no such charges are seen in the notice. Secondly, this Court finds that the Collector has not even considered the

¹ 2014 (2) Mh.L.J.597

² 2010 (5) Mh.L.J. 47

explanation offered by the petitioner as regards sufficiency of the reasons for not holding the meetings. On this count also, this Court finds that the judgment deserves to be quashed and set aside.

8. In view of the above discussion, petition stands allowed.

9. The impugned judgment and order dated 23rd December 2022 passed by the learned Collector is quashed and set aside.

10. The Collector to issue fresh notice containing specific charges and thereafter proceed with the matter.

11. The above said exercise be done as early as possible and in any case within two months from the date of receipt of this order.

12. Writ Petition stands disposed off.

[KISHORE C. SANT, J.]