



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 379 OF 2020

Vitthal Dnyanoba Bhise And Others
VERSUS
Digambar Shripatrao Bhise And Others

- Mr. V. D. Salunke, Advocate for the Petitioners
- Mr. U. S. Hashmi h/f Mr. D. R. Deshmukh, Advocate for Respondent No. 1
- Mr. S. K. Shirse, AGP for the Respondent Nos. 2 to 4/State
- Mr. A. B. Kadethankar, Advocate for Respondent No. 5

CORAM : R. M. JOSHI, J
DATE : JULY 23, 2025

PER COURT :

1. This Petition takes exception to the order dated 01.01.2000 passed by the Additional Commissioner, Aurangabad in Appeal No. 56/2018 whereby the order passed by the Collector, Parbhani dated 11.06.2018 was set aside and the Petitioners were disqualified as the Members of Grampanchayat for five years.

2. Heard learned Counsels for both sides.

3. The Hon'ble Supreme Court in case of Shobhabai Narayan Shinde vs. The Divisional Commissioner, Nashik Division, Nashik and Others, [2022] 3 S.C.R. 1035, has

held that the order passed by the Collector under Section 14B(1) of the Maharashtra Village Panchayats Act, 1959 rejecting the complaint or to drop the proceedings for declaration of a Sarpanch/Member having incurred disqualified is not Appealable before the Divisional Commissioner.

4. In view of the said position of law settled by the Hon'ble Supreme Court, it is held that the learned Additional Divisional Commissioner, Aurangabad had no jurisdiction to entertain the Appeal. Needless to say that any order passed without jurisdiction is nullity and hence, the order dated 01.01.2000 passed by the learned Additional Divisional Commissioner, is set aside.

5. Petition stands allowed in above terms.

(R. M. JOSHI, J.)