



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

WRIT PETITION NO. 4630 OF 2025

Sarika Shyamsundar Hulkane

.. Petitioner

Versus

The District Collector, Nanded And Others

.. Respondents

Mr. Ravindra V. Gore, Advocate for the Petitioner.

Mr. K. N. Lokhande, AGP for Respondent No. 1.

Mr. U. B. Deshmukh, Advocate for Respondent No. 4.

CORAM : KISHORE C. SANT, J.

DATED : 16th APRIL, 2025.

P C. :-

. Heard the parties.

2. The petitioner, held disqualified as Sarpanch for not holding Gramsabha meetings, has approached this Court challenging the judgment passed by the learned Collector, Nanded.

3. The facts in short are that, the respondent Nos. 4 to 8 filed dispute before the learned Collector, Nanded against the present petitioner to declare her as disqualified to be Sarpanch for not holding the meetings under Sections 7 and 36 of the Maharashtra Village Panchayats Act. The learned Collector was pleased to issue notice. In notice, specific charge was not framed. The petitioner, therefore, had

approached this Court by filing Writ Petition No. 9428/2024. This Court partly allowed the said writ petition and directed the learned Collector, Nanded to issue fresh notice by framing specific charge. The learned Collector after remand of the matter issued fresh notice calling for explanation from the petitioner as she failed to hold special meetings and also monthly meetings. Before the learned Collector it is the case of the petitioner that, though meetings were held, the record is not properly kept by the Gramsevak and therefore, no material could be produced before the learned Collector. He submits that, it was necessary for the learned Collector to consider the case of the petitioner. The learned Collector has not discussed anything about the sufficiency of the reasons for not holding the meetings.

4. The learned advocate for the petitioner thus criticizes the judgment. He submits that, the learned Collector has ignored the mandate of the section which requires the learned Collector to consider the sufficiency of the reasons for not holding the meetings. The learned Collector failed to appreciate that it is the Gramsevak who has not kept proper record and therefore, the petitioner could not show that the meetings were held. He thus prays for allowing the writ petition.

5. The learned advocate for the caveator/respondent No. 4 vehemently submits that, in the present case, in earlier round before the learned Collector it was the case of the petitioner that, the material was not produced by the Gramsevak. However, in the second round the Sarpanch herself produced some material saying that the remaining material is with the Gramsevak which is not produced. He thus submits that, contrary stands are taken by the petitioner before the learned Collector. He further submits that, when the meetings were held, it is necessary for the petitioner to prove that fact. In the present case, the petitioner has failed to show that the meetings were held.

6. The learned A.G.P supports the judgment. He submits that, on the record it clearly appeared that, no meetings were held. This finding is recorded on the basis of material made available to the learned Collector. He prays for rejection of the petition.

7. During the course of hearing, the learned advocate for the petitioner relied upon the judgment in the case of **Ravi Yashwant Bhoir Vs. District Collector, Raigad & Ors**¹. The Hon'ble Apex Court in the said judgment has held that making elected representative unseat is a serious thing. The concerned person must get fair opportunity. From the facts it is seen that, in that case also the petitioner had failed to

¹ 2012 AIR (SCW) 1877.

hold the special meetings and general body meeting. The Court considered that it was not shown that the meetings were deliberately not held. Not holding the meetings itself would not be enough to prove the charge.

8. The learned advocate for respondent No. 4 relied upon the judgment in the case of Prayagbai w/o Sitaram Rathod Vs. The State of Maharashtra and others in Writ Petition No. 15079/2023 wherein, this Court has considered the case of Ravi Yashwant Bhoir (*supra*).

9. This Court finds that, in the present case, it is not a defence of the petitioner that for some reason she could not hold the meetings. It is her specific case that, the meetings were held, but there is no record available of the meeting. The question of holding the meetings could not be proved. The petitioner's case cannot be considered for the reason that it is not the case of the petitioner that the meeting was not held for the reasons beyond her control or she offers any sufficient explanation for not holding the meetings. Even in the petition she asserts that the meetings were held. She has not offered any justification to make out sufficiency of cause for not holding the meetings. The argument of the petitioner therefore cannot be accepted that the learned Collector failed to appreciate the factum of sufficiency of reasons when, in fact, that is not the case of the petitioner herself. If

meetings were held, it was necessary for the petitioner to prove the said fact.

10. This Court, thus, does not find it necessary to entertain the petition as it is there is no explanation offering sufficient cause for not holding the meetings by the petitioner. In view of the above discussion, this Court does not find any merit in the petition. The writ petition is dismissed.

(KISHORE C. SANT, J.)

P.S.B.