



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

954 WRIT PETITION NO. 5726 OF 2025

SHALINI RAMDAS JADHAV AND ANOTHER
VERSUS
BALAJI SHANKAR CHAFEKAR AND OTHERS

...
Advocate for the Petitioner : Mr. S.C. Arora h/f. Mr. A.B. Shinde
AGP for Respondent 5 : Mr. D.R. Korade
Advocate for Respondent 1 : Mr. U.B. Deshmukh
Advocate for Respondents 2 to 4 : Ms. Shruti Zambade h/f. Ms. Y.S. Thorat
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CORAM : ARUN R. PEDNEKER, J.
Dated : November 19, 2025

PER COURT :-

1. Heard the learned counsel for the parties.
2. The petitioner has been disqualified as member of village panchayat by the appellate authority under section 40 of the Maharashtra Village Panchayat Act for not attending seven consecutive meetings of the village panchayat. On complaint filed inquiry is conducted. The Chief Executive Officer (CEO)/respondent No. 4 held in favour of the petitioner that notices of the meetings were not served on the petitioner. Thereafter appeal was filed before the Divisional Commissioner, which came to be allowed and thus, the present writ petition is filed.
3. In this case detail adjudication is not necessary as this Court for the facts noted below is of the view that the appellate court has passed order without granting opportunity of hearing to the petitioner. It is seen that the notice dated 26.3.2025 is issued by the Divisional Commissioner to the petitioner in which the petitioner was called upon to remain present on 27.3.2025 for hearing. It appears that this notice is not served as the

hearing was posted on the next day. Thereafter, another notice was issued on 27.3.2025, scheduling hearing on 8.4.2025. It is not known on which date notice is served on him. However, the proceeding of 8.4.2025 indicates that Advocate Mr. Shinde holding on behalf of the advocate for the petitioner sought time to file Vakalatnama and to written reply and asked eight days time. The matter is closed on the same day and the order is passed against the petitioner.

4. The learned counsel for the respondent/original complainant has strongly opposed to remit the matter as the petitioner had the opportunity to defend the matter and the same was not availed by the petitioner.

5. Considering that the advocate holding on behalf of the advocate for the petitioner sought time of eight days to file reply and Vakalatnama, the concerned authority ought to have atleast given one opportunity to the petitioner to put up his case. Considering the same, the impugned order is quashed and set aside. The matter is remanded back to the appellate authority to decide the same afresh. Parties to appear before the appellate authority on 28.11.2025. The concerned authority after hearing the parties may pass appropriate order without being influenced by the observations made in this order or in his earlier order.

6. R. & P. be remitted back.

7. The writ petition is disposed of accordingly.

(ARUN R. PEDNEKER, J.)

ssc/