



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

WRIT PETITION NO. 6072 OF 2025

Vishnu Nivrutti Koli

.. Petitioner

Versus

The District Collector, Latur And Another

.. Respondents

Mr. D. R. Kale Patil & Y. H. Lagad, Advocates for the Petitioner.

Mr. P. D. Patil, AGP for Respondent No. 1.

Mr. Amol A. Kokad, Advocate for Respondent No. 2.

CORAM : KISHORE C. SANT, J.

DATED : 07th MAY, 2025.

P C. :-

. Heard learned advocates for the parties and the learned A.G.P

2. This petition is filed challenging the judgment and order passed by the learned Collector holding the petitioner disqualified for not holding the meetings as required under Section 7 of the Maharashtra Village Panchayats Act (for short “the said Act”). The petitioner is elected as Sarpanch of village Belkund, Taluka Ausa, District Latur. The respondent No. 2 filed a proceeding seeking disqualification of the petitioner before the learned Collector, Latur with an application that the petitioner has failed to comply with Section 7 of the said Act. The learned Collector called for report from the authorities. On perusal of

record and going through the material the learned Collector has allowed the dispute by impugned judgment and order. The petitioner is, therefore, before this Court.

3. The learned advocate Mr. Kale for the petitioner vehemently argued that, the petitioner received a notice issued by the learned Collector dated 12.03.2024. No charges were specifically framed to the said notice. The petitioner, therefore, could not get proper opportunity to explain the charges. He relies upon the judgments in the cases of (i) Pratibha Sanjay Hulle Vs. Additional Collector & Ors.,¹ (ii) Sunil Daulat Patil Vs. State of Maharashtra and others² and order passed by this Court in Writ Petition No. 9428/2024 in the case of Sarika Shyamsundar Hulkane Vs. The District Collector and others.

4. In the above judgments it is held that, when the learned Collector issued notice, the notice should contain specific charge which a person is to accept. By looking to the notice dated 12.03.2024 this Court finds that, notice was only to appear before the authorities. Only section is quoted in the said notice. This Court, therefore, finds substance in the argument of learned advocate Mr. Kale for the petitioner that the learned Collector has not issued notice by specifically framing the charges.

1 2010 (5) Mh.L.J.47

2 2014 (2) Mh.L.J. 597

5. The learned advocate for respondent No. 2 vehemently submits that, mention of Section 7 (1) of the said Act itself is sufficient to give an idea as to what charge the petitioner has to face. When Section is quoted in the notice, there is no need to frame specific charge in the notice. While delivering the judgment proper opportunity was given to the petitioner to put his case and it is only thereafter the judgment is delivered. The learned advocate thus submits that, no case is made out calling for interference at the hands of this Court.

6. The learned A.G.P. also supports the order passed by the learned Collector.

7. On going through the notice, it does appear that, there is no mention of which meetings are not held except quoting the Section. This Court finds that, this is not sufficient compliance of the requirement of sending the notice without framing the charges in light of the judgments cited and which are referred above.

8. Considering the above, the writ petition stands allowed. The impugned judgment and order dated 17.04.2025 passed by the learned Collector, Latur is quashed and set aside. The matter is remanded back to the learned Collector.

9. The parties to appear before the learned Collector on 15.05.2025 without requiring specific notice. The learned Collector shall frame specific charges and give notice to the petitioner on 15.05.2025 and thereafter to decide the dispute on its own merits within four (4) weeks thereafter. This Court has not observed anything on merits.

10. The writ petition stands disposed of.

(KISHORE C. SANT, J.)

PS.B.