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912-WP-6411-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 WRIT PETITION NO. 6411 OF 2025

Kiran Prakash Ramtakke

VERSUS

The State Of Maharashtra Through Its Principal Secretary And Others

...

Mr. Siddhant Varma And Mr. Prasad D Jarare, Advocate for the
Petitioner.

Mr. P. P. Dawalkar, AGP for Respondent-State.

Mr. Netaji Ganpatrao Kale Advocate for Respondent No.4.

CORAM : KISHORE C. SANT, J.

DATE : 9th MAY 2025

PC :-

1. Heard the learned Advocate for the parties.
2. The petitioner was the Sarpanch of Village Hingni-Daryapur Taluka Biloli, Dist. Nanded. The respondent No.4 filed a dispute before the learned Collector, Nanded. The learned Collector, Nanded hold an inquiry against the petitioner and declared him as disqualified under Section 7 and 36 of the Maharashtra Village Panchayats Act, 1958.
3. The main grievance in the petition is that when the Collector issued a notice, no specific charges were framed. The petitioner,

therefore, could not answer a specific charges against him. The learned Advocate for the petitioner by relying upon the judgments of this Court passed in WP/10143/2012, WP/1083/2010 and WP/9427 of 2022 and vehemently submits that it was impugnant on the part of the learned Authority to issue notice by framing specific charges against the petitioner. He submits that for want of specific charges, the entire inquiry is different for violation of principle of natural justice.

4. Mr. Kale, the learned Advocate for the Respondent No.4 vehemently opposed the petition. He submits that the notice was served upon the petitioner alongwith application that is sufficient compliance of the notice. The petitioner was aware of the charges as to face in the inquiry. The learned Collector called the report from Block Development Officer and it is only on the basis of such report, the order is passed. There is no illegality is committed while passing the impugned order. He prays for dismissal of the writ petition.

5. Learned AGP also supports the impugned order.

6. This Court has seen notice which is produced on record today. On perusal, it does appear that notice was only sent directing the petitioner

to appear before the learned Collector on 15th October 2024 at 11:00 am in the office of the Collector. In the subject, it is only stated that the proceeding under Section 7 and 36 of the Maharashtra Village Panchayat Act. This Court finds that, this can hardly find sufficient compliance of the notice as inquiry was given to the petitioner. On this, this Court finds that impugned order needs to be quashed and set aside.

7. Order dated 22nd April 2025 is quashed and set aside.

8. The matter is remanded back to the learned Collector, Nanded for considering the matter afresh.

9. The learned Collector was issued notice containing specific charges against the petitioner. Parties to appear before the learned Collector on 15th May 2025 without requiring any notice.

10. The learned Collector to serve a notice containing specific charges on the petitioner. The Collector, therefore, decide the dispute within four weeks thereafter.

11. With this Writ Petition stands disposed off.

[KISHORE C. SANT, J.]