



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6452 OF 2024

Anusayabai Raghunath Bandkhadke And Another
VERSUS
Sanjay Narayan Gavale And Others

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Dr. R. R. Deshpande h/f Ms. P. R. Deshpande, Advocate
for the Petitioners

Ms. M. L. Sangit, AGP for Respondent Nos. 2 & 6

Mr. S. B. Pulkundwar, Advocate for Respondent No.3

Mr. S. T. Veer, Advocate for Respondent No. 7

CORAM : R. M. JOSHI, J
DATE : SEPTEMBER 15, 2025

PER COURT :

1. By consent of both sides, heard finally at the
stage of admission.

2. This Petition takes exception to the order
dated 30.10.2023 passed by the District Collector,
Nanded by which Petitioners came to be disqualified
from the post of Sarpanch and Up-Sarpanch respectively
and order dated 10.06.2024 passed by the Additional
Divisional Commissioner, Chhatrapati Sambhajingar
confirming the order passed by the District Collector,
Nanded.

3. The facts, which led to the filing of this

Petition, can be narrated in brief as under:

In the month of January 2021 in general elections, Petitioners came to be elected for the post of Sarpanch and Up-sarpanch respectively of village Nandgaon (P.K.), Tq. Mukhed, Dist. Nanded. On 20.02.2023, Respondent No. 1 – Sanjay Gavale had filed Application before District Collector, Nanded under Section 14(1)(g) of the Maharashtra Village Panchayat Act, 1958 alleging therein that on 08.06.2021 Petitioner No. 1 had withdrawn a sum of Rs. 10,000/- from bank account of Village Panchayat in the name of her husband. So also, Petitioner No. 2 on 09.07.2021 has withdrawn an amount of Rs. 3,000/- in his own name from the bank account of Village Panchayat. It is further alleged that in violation of Section 14(1)(g) of the Act, Petitioners have taken monetary disadvantage. On these grounds, Respondent No. 1 sought disqualification of Petitioners.

4. Both parties have filed their say before the District Collector. Block Development Officer ('BDO') has filed his report. After hearing both sides and after considering the report of the BDO, District

Collector, Nanded by impugned order disqualified the Petitioners from their post. Being aggrieved by the said order, Petitioners have challenged the said order before Divisional Commissioner in Appeal unsuccessfully. Hence, this Petition.

5. Learned Counsel for the Petitioners submits that there is no allegation that during the tenure of the Petitioner as Sarpanch, any contract was awarded to her husband. By referring to the provisions of Section 14(1)(g) of the Act, it is contended that the term 'partner' does not include 'spouse'. It is argued that the consequences of disqualifications are drastic that the person who is duly elected is dislodged from the office. It is his further submission that there is no presumption that spouses necessarily stay together and have interest in each others affairs. To support his submissions, he placed reliance on following judgments:

Mankarna Nagorao Kale vs. The State of Maharashtra and Others, Writ Petition No. 7829/2022, Sou. Jyotitai Vikas Gawande vs. Additional Commissioner and Other, Writ Petition No. 5331/2008, Sou. Sugandha Manik Waghmode vs. Shri. Tukaram Rmchandra Khandekar, Writ

Petition No. 3000/2018 & Nilesh Vinayakrao Deshmukh vs. The Additional Commissioner and Others, Writ Petition No. 7067/2022.

6. Learned Counsels for Respondents supported the impugned orders.

7. Before dealing with the facts of the case, it would be useful to refer provision of Section 14(1)(g) of the Act, which reads thus:

14. Disqualifications

(1) No person shall be a member of a panchayat continue as such, who--

(g) has directly or indirectly, by himself or his partner, any share or interest in any work done by order of the Panchayat or in any contract with, by or on behalf of, or employment with or under, the Panchayat;

8. The term 'partner' has not been defined in the Act. The dictionary meaning of term partner means and includes the person one has married to or live with as if married. The partner also includes a person who is associated with another in an action. The legislation in its wisdom has referred term as 'partner' to give widest possible connotation thereto. Not only spouse, persons in live in relationship but also people having

interest in an action are sought to be prohibited in the activities/business of Panchayat. The intention of the legislature is to ensure that purity of the process of the Panchayat is maintained. Any direct or even indirect interest of the elected Sarpanch or Up-sarpanch or his partner is prohibited. If the contention of the Counsel for the Petitioner is accepted that spouse needs to be excluded from the purview of the said provision, it will lead to make said provision redundant and giving any such interpretation, would be contrary to the legislative intent. In such case, the financial interest could be created through spouse, which will lead to misappropriation of public money and this could never be said to have been intended by legislation.

9. Herein this case, Petitioners have not disputed the fact of withdrawal of the amount by husband of the Sarpanch of Rs. 10,000/- towards purchase of light bulbs. Similarly, Up-sarpanch has withdrawn Rs. 3,000/- himself for performing the work of laying Murum. Admittedly, they were Sarpanch and Up-Sarpanch with effect from January, 2021 and the

withdrawal pertains to the same period. In the reply filed before Collector, there is no denial of the said fact and on the contrary, it is sought to be justified that the amounts are spend for public purpose. In the circumstances, with these admitted facts there remained no question of proving the acts committed by the Petitioners to be proved by any other evidence.

10. The case laws relied upon by the Counsel for Petitioners are on different facts. In case of Mankarna Nagorao Kale (supra) the alleged contract was not within the period of the tenure of the Sarpanch, which is not so in this case. The case of Sou. Jyotitai Vikas Gawande (supra) is in respect of issue wherein the husband of Sarpanch had insisted for the payment of contract and accepted the cheque himself. Similarly, in case of Nilesh Vinayakrao Deshmukh (supra) the issue was with regard to the withdrawal of the amount for expenditure on traveling. All these facts are completely different from the one involved in the present case. Hence, are of no help to the Petitioners.

11. Once it is proved that the husband of Sarpanch and Up-sarpanch withdrew money from the Panchayat

account for purported work done, the case is squarely covered by Section 14(1)(g) of the Act, attracting disqualification against them.

12. In view of above discussion, this Court finds no merit in the Petition. Hence, Petition stands dismissed.

(R. M. JOSHI, J.)