



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

125 WRIT PETITION NO. 13825 OF 2023

MAHADEVI BABURAO DASTURE
VERSUS
THE COLLECTOR NANDED AND OTHERS

...
Advocate for the Petitioner : Mr. Deshmukh Umakant B.
AGP for Respondent Nos. 1 to 3/State : Mr.K.B.Jadhavar
Advocate for Respondent No. 3 : Mr. S.B. Pulkundwar
Advocate for Respondent No. 4 to 8 (Caveator) : Mr. H. I. Pathan
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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 08.12.2025

PER COURT :

1. Heard the learned Counsel for the respective parties.
2. By way of the present petition, the petitioner assails the order dated 19.10.2023 passed by the Collector, Nanded under Section 7 and 36 of the Maharashtra Village Grampanchayats Act, 1958, whereby the petitioner was removed from the post of Sarpanch on the ground of failure to convene the monthly meetings and the Gamsabha.
3. I have gone through the order dated 19.10.2023 passed by the Collector, Nanded. It reveals that no appropriate findings were recorded while passing the said order.
4. Section 7 of the Maharashtra Village Panchayats Act, 1959 (for short "the Act") reads as under ;

" 7. Meetings of Gram Sabha.— (1) There shall be held at least 7 on such date, at such 9[time and place, and in such manner, as may be prescribed 10 and if the Sarpanch, or in

his absence the Upa-Sarpanch fails without sufficient cause, to 11 he shall be disqualified for continuing as Sarpanch or, as the case may be, Upa-Sarpanch or for being chosen as such for the remainder of the term of office of the members 14 of the panchayat; and the Secretary of the panchayat shall also if, prima facie, found responsible of any lapse in convening such meeting, be liable to be suspended, and for being proceeded against, for such other disciplinary action as provided under the relevant rules. The decision of the Collector on the question whether or not there was such sufficient cause shall be final.

15 Provided that, the Sarpanch may, at any time of his own motion, and shall, on requisition of the Standing Committee, Panchayat Samiti, or Chief Executive Officer, call a meeting of the Gram Sabha within the period specified in the requisition; and, on the failure to do so, the Chief Executive Officer shall require the Block Development Officer to call the meeting within fifteen days from the date he is so required to do. The meeting shall, notwithstanding the provisions of sub-section (3), be presided over by him or any officer authorised by the Block Development Officer, in that behalf :

Provided further that, a period of not more than four months shall be allowed to elapse between the two meetings of the Gram Sabha :

Provided also that, if the Sarpanch or Upa-Sarpanch, as the case may be, fails to call any such meeting within the specified period, the Secretary shall call the meeting and it shall be presumed that, such meeting has been called with the concurrence of the Sarpanch or, as the case may be, Upa-Sarpanch.

(2) Any Officer authorised in this behalf by the Standing Committee, Panchayat Samiti or Chief Executive Officer by general or special order shall have the right to speak in, and otherwise to take part in, the proceedings of a meeting of the Gram Sabha, but shall not be entitled to vote.

(3A) Unless otherwise provided in this Act, all meetings of the Gram Sabha after each general election to a panchayat, shall be presided over by the Sarpanch and in his absence by the Upa-Sarpanch; and in absence of both Sarpanch and Upa-Sarpanch, it shall be presided over by senior most member of panchayat by age present in that meeting of the Gram Sabha. In case no member of panchayat is present, the said meeting of the Gram Sabha shall be adjourned for a period of one week, and such adjourned meeting shall be presided over by Sarpanch and in his absence by Upa-Sarpanch and in absence of both the Sarpanch and Upa-Sarpanch by the

senior most member of the panchayat by age present in the meeting of Gram Sabha. In case no member of panchayat is present, such meeting shall be presided over by an officer authorized by the Block Development Officer in that behalf.

(4) If any dispute arises as to whether a person is entitled to attend a meeting of a Gram Sabha, such dispute shall be decided by the person presiding, regard being had to the entry in the list of voters for a whole village or ward thereof, as the case may be, and his decision shall be final.

(5) The meeting of the women members of the Gram Sabha shall be held before every regular meeting of the Gram Sabha, convened under sub-section (1) and the proceedings of such meeting shall invariably be brought or caused to be brought before every regular meeting of the Gram Sabha by the Sarpanch, and the Gram Sabha shall consider the recommendations made in the meeting of the women members, and the panchayat shall ensure the implementation of such recommendations :

Provided that, if the Gram Sabha is not agreeable to the recommendations made in the meeting of the women members, it shall record the reasons therefor.

(5A) Every member of the panchayat representing a ward shall, before every regular meeting of the Gram Sabha and meeting of the women members of the Gram Sabha, convene a meeting of all the voters in such ward and such ward sabha may discuss issues relating to development of the ward, selection of individual beneficiaries for individual beneficiary schemes of the State, or as the case may be, of the Central Government, development projects and programmes and such other related issues as the ward sabha deems fit and which are likely to be placed before the regular meeting of the Gram Sabha for consideration and decision. The proceedings of such meeting shall be maintained by such member under his signature and a copy of the same shall invariably be sent to the panchayat which shall form part of the records of the panchayat so required to do. The meeting shall, notwithstanding the provisions of sub-section (3), be presided over by him or any officer authorised by the Block Development Officer, in that behalf : Provided further that, a period of not more than four months shall be allowed to elapse between the two meetings of the Gram Sabha :

Provided also that, if the Sarpanch or Upa-Sarpanch, as the case may be, fails to call any such meeting within the specified period, the Secretary shall call the meeting and it shall be presumed that, such meeting has been called with the concurrence of the Sarpanch or, as the case may be, Upa-

Sarpanch.

(2) Any Officer authorised in this behalf by the 3[Standing Committee, Panchayat Samiti or Chief Executive Officer] by general or special order shall have the right to speak in, and otherwise to take part in, the proceedings of a meeting of the Gram Sabha, but shall not be entitled to vote.

(3A) Unless otherwise provided in this Act, all meetings of the Gram Sabha after each general election to a panchayat, shall be presided over by the Sarpanch and in his absence by the Upa-Sarpanch; and in absence of both Sarpanch and Upa-Sarpanch, it shall be presided over by senior most member of panchayat by age present in that meeting of the Gram Sabha. In case no member of panchayat is present, the said meeting of the Gram Sabha shall be adjourned for a period of one week, and such adjourned meeting shall be presided over by Sarpanch and in his absence by Upa-Sarpanch and in absence of both the Sarpanch and Upa-Sarpanch by the senior most member of the panchayat by age present in the meeting of Gram Sabha. In case no member of panchayat is present, such meeting shall be presided over by an officer authorized by the Block Development Officer in that behalf.

(4) If any dispute arises as to whether a person is entitled to attend a meeting of a Gram Sabha, such dispute shall be decided by the person presiding, regard being had to the entry in the list of voters for a whole village or ward thereof, as the case may be, and his decision shall be final.

(5) The meeting of the women members of the Gram Sabha shall be held before every regular meeting of the Gram Sabha, convened under sub-section (1) and the proceedings of such meeting shall invariably be brought or caused to be brought before every regular meeting of the Gram Sabha by the Sarpanch, and the Gram Sabha shall consider the recommendations made in the meeting of the women members, and the panchayat shall ensure the implementation of such recommendations :

Provided that, if the Gram Sabha is not agreeable to the recommendations made in the meeting of the women members, it shall record the reasons therefor.

(5A) Every member of the panchayat representing a ward shall, before every regular meeting of the Gram Sabha and meeting of the women members of the Gram Sabha, convene a meeting of all the voters in such ward and such ward sabha may discuss issues relating to development of the ward, selection of individual beneficiaries for individual beneficiary schemes of the State, or as the case may be, of the Central Government, development projects and programmes and such

other related issues as the ward sabha deems fit and which are likely to be placed before the regular meeting of the Gram Sabha for consideration and decision. The proceedings of such meeting shall be maintained by such member under his signature and a copy of the same shall invariably be sent to the panchayat which shall form part of the records of the panchayat.

(6) The Gram Sabha shall have the disciplinary control over the Government, semi-Government and panchayat employees working in the village including the matters relating to their daily attendance in the office. The annual evaluation of such employees shall be brought to the notice of their respective higher authorities by the Gram Sabha :

Provided that, Gram Sabha may, by resolution, delegate its authority to the panchayat to exercise general supervision over the Government, semi-Government and panchayat employees including regular and timely attendance at their work place. The mode of recording of attendance and supervision shall be such as the Government may, from time to time, specify by an order in the Official Gazette.

(7) The Gram Sabha, or as the case may be, the panchayat shall report to the concerned Block Development Officer, the irregularities, if any, committed by any of such employees. The Block Development Officer shall consider such report within the period of three months from the date of its receipt. Such matters and the actions taken thereon shall be reviewed in the regular meetings of the Panchayat Samiti. If, the Block Development Officer fails to dispose of such reports within the specified period of three months, the same shall on the expiry of the said period, stand transferred to the Chief Executive Officer of the concerned Zilla Parishad for disposal, whose decision shall be final. The Chief Executive Officer of the Zilla Parishad shall take the decision on such reports so transferred to him, within a period of three months from the date of their receipt.

(8) The Gram Sabha shall select the beneficiaries for individual beneficiary schemes of the State, or as the case may be, of the Central Government.

(9) The Gram Sabha shall generally fix the date, time and place of the next meeting of the Gram Sabha, in its previous meeting.

(10) Unless exempted by the Gram Sabha, or as the case may be, the panchayat all the Government, semi-Government and panchayat employees working in the village shall attend the meetings of the Gram Sabha.

(11) The proceedings of every meeting of the Gram Sabha shall

be prepared and maintained by the concerned Secretary of the panchayat and in his absence, the proceedings shall be prepared by any Government, semi-Government or panchayat employee working in the village, such as Teacher, Talathi or Anganwadi Sevika as directed by the Sarpanch and the same shall be handed over to the panchayat for records :

Provided that, it shall be a joint responsibility of the Sarpanch and Secretary of the concerned panchayat to maintain secured custody and proper safety of proceeding register, attendance register and other relevant records of the Gram Sabha, and they shall be primarily held responsible for any tampering, alteration, manipulation of entries or contents or loss or mutilation of such record unless proved otherwise and shall be liable to be prosecuted under relevant provisions of the Indian Penal Code.

8. Panchayat to place before Gram Sabha Statement of accounts etc. and duties of Gram Sabha.— (1) The first meeting of the Gram Sabha in every financial year] shall be held within two months from the commencement of that year, and the panchayat shall place before such meeting—(i) the annual statement of accounts ;

(ii) the report on the administration of the proceeding financial year ;

(iii) the development and other programme of work proposed for the current financial year ;

(iv) the last audit note and replies (if any) made thereto ;

(v) any other matter which the Standing Committee, Panchayat Samiti or Chief Executive or any officer authorised by the Standing Committee or Panchayat Samiti in this behalf, requires to be placed before such meeting.

(1A) The panchayat shall place the report of the expenditure incurred on the development activities before the Gram Sabha once in every six months, and display the information thereof on the notice board of the panchayat.

(2) It shall be open to the Gram Sabha to discuss any or all of the matters placed before it 3[under sub-section (1) or sub-section (1A) and the panchayat shall consider suggestions, if any made by the Gram Sabha.

(3) A Gram Sabha shall carry out any other functions as the State Government may by general or special order require.”

5. As per Section 7 of the Act, this Court in catena of judgments has held that the Collector is required to record findings that there were no

sufficient reasons for not holding Gramsabha and to that effect the Collector has to give reasons while disqualifying Sarpanch. Admittedly, no such findings are recorded by the Collector, Nanded.

6. The learned Counsel for the petitioner placed on record a copy of notice wherein, it reveals that no charges were framed against the petitioner.

7. Therefore, I am of the view of that the order passed by the Collector, Nanded liable to be quashed and set aside and the matter needs to be remanded to the Collector, Nanded.

8. In view thereof, the Writ Petition is allowed. The order dated 19.10.2023 passed by the Collector, Nanded is quashed and set aside. The matter is remanded to the Collector, Nanded to pass a reasoned order thereon after recording appropriate findings.

9. The Collector Nanded is directed decide the proceeding within a period of 2 months from today.

(SIDDHESHWAR S. THOMBRE, J.)

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