



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

910 WRIT PETITION NO. 15662 OF 2023

SUKDEO EKA WAGH

VERSUS

THE COLLECTOR DHULE AND OTHERS

...

Advocate for the Petitioner : Mr. Y. B. Bolkar
AGP for Respondents/State : Mr. P. P. Dawalkar
Advocate for respondent Nos. 2 to 4 : Adv. N. N. Desale
Advocate for Respondent No.7 : Mr. S. S. Kalaskar h/.f Mr. S.
J. Salunke

...

CORAM : KISHORE C. SANT, J.

Dated : February 13, 2025

PER COURT :-

1. Heard the parties for long.
2. The petitioner who is declared disqualified by the learned Collector, for not holding monthly meetings has assailed the said order.
3. Respondent Nos. 6 and 7 had filed a dispute bearing No. 44 of 2022 before respondent No.1 i.e. learned Collector, Dhule for not holding the meetings by the petitioner for the period from 30.02.2021 till filing of the dispute. The petitioner has held special Gram Sabha meeting for the year 2021-22 for the month of March 2021 till August 2021. So far

as the meetings in the month October 2021, November 2021 and January 2022 are concerned, bogus minutes of meetings are prepared, whereas in fact, no meetings were held.

4. The petitioner had relied upon the directions issued by the learned Collector dated 07.01.2021. In view of Covid-19 pandemic. The learned Collector had issued notice under Section 37(1)(3) of Bombay Police Act, 1951. It is specifically mentioned in the said notification that, the persons are restrained from holding the meetings, taking out procession or gathering of more than 5 persons for period from 14.01.2021 till 28.01.2021. The said directions were continued by subsequent notification as under :

Notification Date	From	To
15.02.2021	15.02.2021	01.03.2021
21.03.2021	22.03.2021	05.04.2021
05.04.2021	05.04.2021	30.04.2021
08.06.2021	10.06.2021	24.06.2021
12.07.2021	15.07.2021	29.07.2021
17.08.2021	18.08.2021	01.09.2021
03.09.2021	06.09.2021	20.09.2021
21.10.2021	23.10.2021	06.11.2021
09.11.2021	09.11.2021	23.11.2021
08.12.2021	09.12.2021	23.12.2021
24.01.2022	24.01.2022	07.02.2022
08.02.2022	08.02.2022	22.02.2022
06.04.2022	09.04.2022	23.04.2022

Notification Date	From	To
09.05.2022	09.05.2022	23.05.2022
09.06.2022	13.06.2022	27.06.2022
12.07.2022	13.07.2022	27.07.2022
29.08.2022	29.08.2022	12.09.2022
13.09.2022	15.09.2022	29.09.2022
15.10.2022	15.10.2022	29.10.2022
16.11.2022	16.11.2022	30.11.2022
01.12.2022	01.12.2022	15.12.2022

5. It is thus the case that, because of such restrictions the meetings could not be held. Though, all the meetings were held, however, the learned Collector has not appreciated minutes of meetings of those meetings. The learned Advocate thus submits that the learned Collector ought to have considered the material placed on record.

6. The learned Advocate for respondent No. 6 and 7 vehemently opposed the petition. He submits that for entire period there were no such restrictions. He submits that the report was specifically called from the Block Development Officer and Chief Executive Officer. The said report was submitted by the Block Development Officer on 20.02.2023. The said report was prepared by recording statements of the concerned persons. Is is only on such report, the learned

Collector had relied upon. No perversity is there in the order.

7. This Court has seen the order and material on record. The learned Collector has considered the report of the Block Development Officer and has also seen the record. It is specifically held that for entire period there were no restrictions. It is specifically held that the meeting of 15.08.2021 was not held. The restrictions were relaxed. So far as the meetings of May 2022, August 2022 and November 2022 were concerned, no record was made available to the Block Development Officer. The record produced by the petitioner to show that the meetings were held in the month of May 2022, August 2022 and November 2022 was not found to be satisfactory as no proceeding is mentioned in the said minutes.

8. The petitioner has relied upon the judgment in the case *Manohar vs. Collector, Jalna and others* in writ petition No. 9427 of 2022 of this Bench. The learned Advocate for the respondent relied upon the judgment in the case of *Kusum Chandrakant Kachare vs. The State of Maharashtra and others* reported in 2019 (4) ALL MR 273. This court again

in the judgment of *Manohar* (supra) had considered that making elected member unseat is a drastic step. Care should be taken while passing the order. More particularly in para 20, this Court has considered that, for that particular period there were prohibitory orders after lifting of the restrictions. The petitioner in that case had conducted four meetings of Gramsabha. In that case, it was specifically recorded that the petitioner had conducted the meetings as required under law. So far as the judgment in the case of *Kusum* (supra) is concerned, in para 6 and 7, this Court considered the facts and material on record and the petition was dismissed as devoid of merits. This Court finds that the said judgment is in similar facts.

9. The learned AGP supports the order.

10. It is specifically recorded that even at the time of hearing, the Sarpanch could not produce sufficient material and also could not give sufficient cause for not holding the meetings. On going through the record, this Court finds that no case is made out calling for interference in the impugned order.

11. Considering the above, this Court finds that no case is made out calling for interference at the hands of this Court.

12. The writ petition is thus devoid of merits and the same is dismissed. No order as to costs.

13. At this stage, the learned Advocate for the petitioner submits that there is already interim relief granted by this Court. It is running till today. The same shall be continued for four weeks from today.

(KISHORE C. SANT, J.)

PRW