

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
WRIT PETITION NO.13082 OF 2024**

Shri. Abdul Rafiq Abdul Karim Kazi
Age 55 years, Occp: Business,
R/a, Juikar Mohala, Adkha
Taluka. Dapoli, District- Ratnagiri-415714 ..Petitioner

Versus

1. State of Maharashtra
District Collector Of Ratnagiri
Collector office Compound, Hatkhamba,
Ratnagiri-415 612
2. Shri. Ravindra Govind Ghag
Age 46 years, Occ: Business,
R/a, Post Adkhal, Khemwadi.
Taluka Dapoli, Distirict Ratnagiri-415712.
3. Sau. Varsha Vikas Shirke
Age 50 years, Occp: Agriculturist/Housewife,
R/a, Mohsode, Taluka. Dapoli,
District- Ratnagiri-415714.
4. Sachin Gangaram Kadam
Age 42 years, Occp: Agriculturist/Business
R/a, Kadamwadi, Juikar Mohala,
Taluka. Dapoli, District- Ratnagiri-415714.
5. Darshana Dinesh Kadam 5.
Age 42 years, Occp: Housewife,
R/a, Bodhwadi, Adkhal,
Taluka. Dapoli, District- Ratnagiri-415714.
6. Manali Mohan Chaudhary
Age 36 years, Occp: Housewife,
R/a, Kadamwadi, Juikar Mohala,
Adkhaltari, Taluka. Dapoli,
District- Ratnagiri-415714.
7. Block Development Officer Dapoli
Having office at Ratnagiri Ho,
Near Panchat Samiti Near Z P Bhavan,
Ratnagiri-415612 ..Respondents

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Mr. Harshad Inamdar i/by Mr. Yogesh B. Dandekar, Advocate for Petitioner.

Mr. Sanjay D. Rayrikar, AGP for Respondent No.1.

Mr. Mohit Prabhakar Dalvi, Advocate for Respondents.

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CORAM : S. G. CHAPALGAONKAR, J.

RESERVED ON : 29th SEPTEMBER, 2025.

PRONOUNCED ON : 14th OCTOBER, 2025.

JUDGMENT:-

1. Rule. Rule made returnable forthwith. With consent of parties, matter is taken up for final hearing at admission stage.
2. The petitioner impugns order dated 16.07.2024 passed by District Collector, Ratnagiri in Complaint No.4/2023, whereby District Collector rejected application seeking disqualification of respondent no.2-Sarpanch under Section 36 of Maharashtra Village Panchayat Act, 1959 (for short 'MVP Act, 1959').
3. The petitioner and respondent nos.2 to 7 are elected members of Group Grampanchayat, Adkhal, Taluka Dapoli, District Ratnagiri. The respondent no.2 is elected as Sarpanch. The petitioner was elected as Upsarpanch. According to petitioner, respondent no.2 failed to conduct monthly meeting mandated as per time and manner provided under Rules. As such, respondent no.2 is liable to be disqualified from continuing as Sarpanch. The petitioner has accordingly moved complaint before District Collector, Ratnagiri, who called report of Block Development Officer as to imputation made in complaint.

However, District Collector rejected Dispute Application No.4/2023. Hence, this Writ Petition.

4. Mr. Harshad Inamdar, learned Advocate appearing for petitioner submits that Block Development Officer submitted his report dated 14.06.2023 confirming that meeting of Grampanchayat for October-2022 was illegal. The respondent no.2-Sarpanch was explicitly guilty of infringement of mandate under Section 36 of MVP Act, 1959. Therefore, District Collector ought to have allowed dispute. He would submit that meeting for month of October-2022 was not conducted in same month, but it was convened on 28.11.2022. Later on, it shown to have been conducted on 13.12.2022, which is contrary to mandate under Section 36 of MVP Act, 1959.

5. Mr. Mohit Dalvi, learned Advocate appearing for respondent no.2, however, supports impugned order contending that failure to conduct meeting itself is not contemplated as disqualification under Section 36 of MVP Act, 1959. If Sarpanch or Upsarpanch would demonstrate sufficient cause for convening meeting, disqualification would not attract. The decision of District Collector would depend upon cause for failure to conduct meeting. In present case, sufficient cause is made out for not convening monthly meeting. Therefore, District Collector has rightly declined to entertain dispute seeking disqualification against respondent no.2.

6. Having considered submissions advanced by learned Advocates appearing for respective parties, it can be observed that respondent no.2 is elected Sarpanch of village panchayat. There cannot be dispute that he is under obligation to conduct meeting in terms of Section 36 of MVP Act, 1959. Rule 3 of Bombay Village Panchayat (Meeting) Rules prescribes for monthly meeting of Grampanchayat.

7. Proviso under Section 36 of MVP Act, 1959 prescribes that if Sarpanch or in absence Upa-sarpanch, fails without sufficient cause, to convene meeting of panchayat in any financial year according to Rules prescribed in that behalf, he shall be disqualified for continuing as Sarpanch or, as case may be, Upa-sarpanch for being chosen as such for remainder of term of office of member of panchayat. The decision of Collector on question whether or not there was sufficient cause shall be final. It is evident that disqualification attracts only when Sarpanch fails, without sufficient cause to convene meeting of panchayat in accordance with Rules.

8. In present case, petitioners raised dispute before District Collector, Ratnagiri contending that respondent no.2-Sarpanch failed to conduct meeting of village panchayat for month of October-2022, as such, incurred disqualification.

9. The report of Block Development Officer from Panchayat Samiti, Dapoli dated 14.06.2023 depicts that meeting for October was called

on 31.10.2022. However, for want of Coram, meeting was adjourned and finally it was conducted on 13.12.2022. The report states that it is obligation of Sarpanch to convene monthly meeting. However, meeting of October-2022 was convened on 28.11.2022 and actually took place on 13.12.2022. As such, monthly meeting of October-2022 was not conducted. In light of aforesaid requirement even it is assumed that, monthly meeting was not conducted in month of October, there is sufficient material depicting that monthly meeting was convened on 31.10.2022. However, for want of Coram, it was adjourned and conducted on 13.12.2022.

10. At this stage reference can be given to observations of this Court in case of *Shubhangi Anil Gawand & Anr. Vs. Additional Collector & Ors.*¹, wherein this Court observed in paragraph no.6 as under:

“6. The provisions of Section 36 of the Act show that the obligation to convene meeting of Panchayat is contemplated upon Sarpanch & in his absence on Upsarpanch. Disqualification accrues for not convening such meeting without sufficient cause. The finding of the Collector on question of availability of such sufficient cause has been made final. This, therefore, clearly shows that mere not holding of meeting is not disqualification and something more is required to be brought on record. The absence of meeting has to be shown as deliberate failure to hold meeting and for that purpose, it is required to be established that though meeting could have been held as required, it was not held. Thus, absence of sufficient cause for not holding the meeting is the material ingredient in the entire scheme.”

11. In light of aforesaid observations it is clear that disqualification would not accrue only because meeting is not convened, but there

¹ 2010 (2) Mh.L.J. 368.

must be failure to convene meeting without sufficient cause. In present case, there is nothing on record that there was deliberate failure to hold meeting or there was gross negligence to hold meeting. In fact, meeting which was convened, but same was required to be adjourned because of objections taken by members or availability of requisite Coram. The District Collector observed in impugned order that there was sufficient reason for not conducting meeting in month of October and agenda of said meeting was given effect in adjourned meeting dated 13.12.2022.

12. In that view of matter, this Court do not find any reason to interfere in impugned order in exercise of Writ jurisdiction under Article 227 of Constitution of India. In result, Writ Petition stands dismissed.

13. Rule stands discharged.

(S. G. CHAPALGAONKAR)
JUDGE