

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6254 OF 2025

Somnath Dattatraya Kanse }
 Age-44 years, Occu: Social Service }
 Gram Panchayat, Jawalarjun, }
 Taluka-Purandar, Dist-Pune. }Petitioner

V/s.

1. Hon'ble Minister for Rural }
 Development, State of Maharashtra, }
 having office at Mantralaya, }
 Mumbai. }

2. Divisional Commissioner, Pune }
 Division, Pune. }

3. Chief Executive Officer, }
 Zilla Parishad, Pune. }

4. Appasaheb Maruti Rane }
 Age- Adult, Occu: Social Service }
 Gram Panchayat, Jawalarjun, Tal- }
 Purandar, Dist-Pune. }

5. Pratibha Nilesh Rane }
 Age-Adult, Occu: Social Service, }
 Gram Panchayat, Jawalarjun, }
 Taluka-Purandar, Dist-Pune }

6. Sheetal Satish Salunkhe }
 Age-Adult, Occu: Social Service, }
 Gram Panchayat, Jawalarjun, }
 Taluka-Purandar, Dist-Pune }

7. Sangita Shivaji Tekawade }
 Age-Adult, Occu: Social Service, }
 Gram Panchayat, Jawalarjun, }Respondents
 Taluka-Purandar, Dist-Pune }

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 Mr. Chetan Patil, for the petitioner.

Ms. Dhruti Kapadia, AGP, for the State/Respondent Nos. 1 and 2.

Mr. C.G. Gavnekar with Rohit Parab I.by Mr. Pratik Deshmukh, for the respondent nos. 4, 5 and 6.

CORAM : N.J. JAMADAR, J.

DATED : 17TH SEPTEMBER 2025

JUDGMENT:

1. Rule. Rule made returnable forthwith and, with the consent of the counsel for the parties, heard finally.

2. The petitioner takes exception to a judgment and order dated 28th April 2025 passed by the Minister, Rural Development, in Appeal No. 5 of 2023, whereby the appeal preferred by the petitioner under Section 39(3) of the Maharashtra Village Panchayats Act, 1959 (the Act, 1959) against the judgment and order passed by the Divisional Commissioner, Pune Division, Pune, dated 30th October 2024, thereby removing the petitioner from the office of the Sarpanch of the Village Panchayat, Javalarjun, Tal-Purandar, District-Pune under Section 39(1) of the Act, 1959, came to be dismissed by affirming the said order of removal dated 30th October 2024.

3. The background facts necessary for the determination of this petition can be stated, in brief, as under:

3.1 The petitioner was elected as a Sarpanch of the village

Javalarjun, on 10th February 2021, for a term of five years. The respondent nos. 4 to 7 lodged a Village Panchayat dispute with the Divisional Commissioner, Pune, purportedly under Section 39(1) of the Act, 1959 for removal of the petitioner from the office of the Sarpanch of the Village Panchayat alleging various acts of misconduct, disgraceful conduct or negligence in the performance of duties.

3.2 In accordance with the provisions contained in the proviso to sub-Section (1) of Section 39, the Chief Executive Officer was directed to conduct an enquiry and submit a report to the Divisional Commissioner. Accordingly, an inquiry report was submitted on 29th October 2022.

3.3 The Divisional Commissioner, by a judgment and order dated 13th January 2023, allowed the dispute filed by the respondent nos. 4 to 7 and the petitioner was removed from the post of Sarpanch. As the appeal thereagainst also failed, the petitioner had filed a Writ Petition, being Writ Petition No. 9544 of 2023.

3.4 By a judgment and order dated 11th March 2024, in the said Writ Petition and the connected matters, this Court set aside

the order passed by the Divisional Commissioner, and the matter came to be remitted back to the Divisional Commissioner.

3.5 Post remand, the Chief Executive Officer, Zilla Parishad, Pune, conducted a fresh enquiry and submitted a report to the Divisional Commissioner on 17th October 2024. Out of the four heads of indictment, the Chief Executive Officer found that the first count i.e. holding the meeting of the Gramsabha without a proper quorum, and the fourth count i.e. failure of the petitioner to spend the funds sanctioned for the development of the village, were established.

3.6 On the first count, the Chief Executive Officer found that the quorum for the Gramsabha was 100, and, yet, on 26th January 2022, Gramsabha was held by the petitioner and the Secretary of the village panchayat though only 97 members were present. Thus, the meeting of the Gramsabha and the conduct of the business therein was in violation of the rules. On the fourth count, the Chief Executive Officer noted that the petitioner had declined to sign a cheque which was to be drawn for the payment of the expenses incurred for repairs of the water purifier. Explanation of the petitioner that he declined to put

signature on the cheque, as there was no sanction order of the then Administrator of the Village Panchayat, was found unacceptable.

3.7 After perusal of the aforesaid report and the material on record, the Divisional Commissioner returned the finding that the aforesaid acts and omissions amounted to misconduct within the meaning of Section 39(1) of the Act, 1959 and, therefore, the petitioner was required to be removed from the post of Sarpanch of the village Panchayat. Thus, by the impugned order, the petitioner was removed from the said post, and he was declared ineligible for the election as Sarpanch during the remainder of the term of the Village panchayat.

3.8 Being aggrieved, the petitioner preferred an appeal, being Appeal No. 5 of 2023, before the State Government under Section 39(3) of the Act, 1959. By the impugned order, the Minister, Rural Development, was persuaded to dismiss the appeal. The Minister concurred with the view of the Divisional Commissioner.

4. Being further aggrieved, the petitioner has invoked the writ jurisdiction.

5. On 7th May 2025, while issuing notice, this Court was persuaded to grant ad-interim relief in terms of the prayer clause (d), thereby restraining the respondent nos. 1 and 2 from holding election to the post of member of the panchayat, on which the petitioner was elected.

6. I have heard Mr.Chetan Patil, the learned counsel for the petitioner, Ms. Dhruti Kapadia, learned AGP, for the respondent nos. 1 and 2, and Mr. Gavnekar, the learned counsel for the respondent nos. 4 to 6, at some length. With the assistance of learned counsel for the parties, I have also perused the material on record.

7. Mr. Chetan Patil, the learned counsel for the petitioner, took a slew of exceptions to the impugned order. First and foremost, according to Mr. Patil, the impugned order suffer from the vice of non-application of mind. The Appellate Authority has simply reproduced the contentions of the parties and thereafter reiterated the view of the Divisional Commissioner, without evaluating and analysing the legality and correctness of the order passed by the Divisional Commissioner. On this count alone, according to Mr. Patil, the impugned order deserves to be quashed and set aside.

8. Secondly, Mr. Patil would urge, the perusal of the inquiry

report of the Chief Executive Officer dated 17th October 2024, indicates that the Chief Executive Officer has recorded contradictory findings of facts as regards the number of members who were present in the Gramsabha held on 26th January 2022. An endeavour was made by Mr. Patil to compare and contrast the said enquiry report dated 17th October 2024 with the earlier enquiry report dated 28th October 2022.

9. Thirdly, Mr. Patil would submit that even if the report of the Chief Executive Officer is taken at par, yet, no case of misconduct or disgraceful conduct warranting the removal of an elected representative from the office of the Sarpanch can be said to have been made out.

10. On the first count of holding the meeting of the Gramsabha, without the requisite quorum, Mr. Patil would urge, the report would indicate that there were more than 100 members present, and, even otherwise, the said act can be termed as a mere irregularity and not misconduct. In regard to the second count failure to spend the funds for the development work, especially the refusal of the petitioner to sign the cheque for the work sanctioned while the Village Panchayat was under control of the Administrator, the Chief Executive Officer found the explanation to be sustainable, and, yet, the petitioner was

removed from the post of Sarpanch, submitted Mr. Patil.

11. Ms. Dhruti Kapadia, the learned AGP, stoutly supported the impugned order. It was submitted that, in Para No. 7 of the impugned order, the Minister has ascribed justifiable reasons. Therefore, it cannot be said that the impugned order is bereft of reasons. As the petitioner was provided an effective opportunity of hearing by both the Divisional Commissioner as well as the Minister and the authorities have passed the reasoned orders, according to Ms. Kapadia, those orders are not amenable for interference in exercise of supervisory jurisdiction.

12. Mr. Gavnekar, the learned counsel for the respondent nos. 4 to 7, supplemented the submissions of Ms. Kapadia. Mr. Gavnekar would urge with tenacity that, this Court is called upon to exercise corrective jurisdiction. The scope of interference in the exercise of the supervisory jurisdiction is extremely limited. An incorrect decision on facts cannot be corrected by this Court in exercise of the writ jurisdiction. Since the authorities under the Act, 1959 have recorded concurrent findings of facts against the petitioner, and those orders cannot be said to be sans material or perverse, this Court would not be justified in interfering with the impugned orders, was the thrust of the submission of Mr. Gavenekar.

13. Mr. Gavnekar would further urge that the endeavour of Mr. Patil to compare and contrast the enquiry report submitted by the Chief Executive Officer on 17th October 2024 and 28th October 2022, in the first round, cannot be countenanced, as the matter was remitted back to the Divisional Commissioner for a fresh decision by order passed by this Court in Writ Petition No. 9544 of 2023 and the connected matters. Earlier report thus stood completely effaced for all intent and purpose.

14. Mr. Gavnekar would urge that, in the peculiar facts of the case, the acts and omissions attributed to the petitioner do constitute misconduct within the meaning of Section 39 (1) (i) of the Act, 1959 as the said concept takes colour from the context. To this end, Mr. Gavnekar, placed reliance on a judgment of this Court in the case of ***‘Sandip Ramesh Khidbide Vs Pratima Prakash Gaikar and Ors’***¹.

15. The aforesaid submissions now fall for consideration.

16. Before advertng to appreciate the submissions, it may be opposite to note the provisions contained in Section 39 of the Act 1959, which envisage the removal of any member, Sarpanch or Upa-Sarpanch of Village Panchayat. It reads as under:

1 WP No. 11964 of 2022 dated 6th April 2023

39. Removal from office. - [(1) The Commissioner may,-

(i) remove from office any member or any Sarpanch or Upa-Sarpanch who has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or of neglect of or incapacity to perform his duty, or is persistently remiss in the discharge thereof. A Sarpanch or an Upa-Sarpanch so removed may at the discretion of the Commissioner also be removed from the panchayat', or

.....

Provided that, no such person shall be removed from office unless, in case of clause (i), the Chief Executive Officer or in case of clause (ii), the Deputy Chief Executive Officer as directed by the Chief Executive Officer; under the orders of the Commissioner, holds an inquiry after giving due notice to the panchayat and the person concerned; and the person concerned has been given a reasonable opportunity of being heard and thereafter the Chief Executive Officer or, as the case may be, the Deputy Chief Executive Officer concerned, through the Chief Executive Officer, submits his report to the Commissioner. The inquiry officer shall submit his report within a period of one month:

Provided further that, the Commissioner shall, after giving the person concerned a reasonable opportunity of being heard, take a decision on the report submitted by the Chief Executive Officer or, as the case may be, the Deputy Chief Executive Officer, within a period of one month from the date of receipt thereof.]

[(1A) Where a person is removed from office of the Sarpanch or Upa-Sarpanch, he shall not be eligible for re-election as Sarpanch or Upa-Sarpanch during the remainder of the term of office of members of the panchayat.]

[(2) The Commissioner may subject to like condition disqualify for a period of not exceeding [six years], any person who has resigned his office as a member, Sarpanch or Upa-Sarpanch and has been guilty of the acts and omissions specified in sub-section (1).

(3) Any person aggrieved by an order of the Commissioner under sub-section (1) or (2) may, within a period of fifteen days from the date of the receipt of such order, appeal to the State Government and the Government shall decide the appeal within a period of one month from the date of receipt thereof.]

17. The phraseology of aforesaid Section indicates that the Commissioner is empowered to remove from office a member or Sarpanch or Upa-Sarpanch, who has been found guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or of neglect of or incapacity to perform his duty, or is persistently remiss in the discharge thereof. After specifying the grounds on which a member, Sarpanch or Upa-Sarpanch can be removed from the office, the first and second proviso to sub-Section (1) envisage a two-stage inquiry. Under the first proviso, the Chief Executive Officer or the Deputy Chief Executive Officer, as the case may be, has to hold an inquiry after giving due notice to the Panchayat and the person concerned; the latter is entitled to a reasonable opportunity of hearing. Post such inquiry, the Chief Executive Officer has to submit a report to the Divisional Commissioner.

18. Under the second proviso, the Divisional Commissioner, in turn, is enjoined to again afford a reasonable opportunity of hearing to the person to whom the notice of removal was given and against whom a report has been submitted by the Chief Executive Officer. Only after such inquiry, the Divisional Commissioner is empowered to take a decision on the report submitted by the Chief Executive Officer.

19. Sub Section (1-A) prescribes the disqualifications which the order of removal may entail. Sub Section (2) empowers the Commissioner to disqualify the person who has resigned from the office as a member, Sarpanch or Upa-Sarpanch for a period not exceeding six years if such person has been found guilty of acts and omissions specified in Sub Section (1). Under sub Section (3) of Section 39, any person aggrieved by an order passed by Commissioner under Sub Sections (1) and (2) may prefer an Appeal to the State Government.

20. In a sense, Section 39 of the Act, 1959 is a self contained Code in the matter of removal of a person from the office of member, Sarpanch or Upa-Sarpanch of Village Panchayat. Grounds on which a person can be removed from those offices have been specified. A mechanism of holding an inquiry after affording a reasonable opportunity of hearing has been prescribed. Decision of the Divisional Commissioner is amenable to an Appeal before the State Government.

21. The Act, however, does not define the terms, “misconduct”, “disgraceful conduct”, or “neglect”, which are used in Clause (I) of Sub Section (1) of Section 39 of the Act, 1959. These expressions take color from the context of the duties which a member, Sarpanch or Upa-

Sarpanch has to perform under the provisions of the Act, 1959. Whether a particular act or omission would amount to misconduct, disgraceful conduct or neglect would turn upon the facts of a given case.

22. A profitable reference in this context can be made to the three bench judgment of the Supreme Court in the case of ***'State of Punjab and Ors Vs. Ram Singh Ex. Constable'***², wherein the import of the term "misconduct" was expounded with reference to the definition in the Black's Law Dictionary and P. Ramanatha Aiyar's Law Lexi-con. The observations in Paragraph Nos. 5 and 6 are material and hence extracted below:

5. Misconduct has been defined in Black's Law, Dictionary, Sixth Edition at page 999 thus :

.. "A transgression of some established an definite rule of action, a forbidden act, a dereliction from duty, unlawful behavior, willful in character, improper or wrong behavior, its synonyms are misdemeanor, misdeed, misbehavior, delinquency, impropriety, mismanagement, offence but not negligence or carelessness."

Misconduct in office has been defined as :

.."Any unlawful behavior by a public officer in relation to the duties of his office, willful in character. The term embraces acts which the office holder had no right to perform, acts performed improperly, and failure to act in the face of an affirmative duty to act."

2 JT 1992 (4) S.C. 253

P. Ramanatha Aiyar's the Law Lexicon, Reprint Edition 1987 at p.821 'misconduct' defines thus:-

"The term misconduct implies a wrongful intention, and not a mere error of judgment. Misconduct is not necessarily the same thing as conduct involving moral turpitude. The word misconduct is a relative term, and has to be construed with reference to the subject matter and the context wherein the term occurs, having regard to the scope of the Act or statute which is being construed. Misconduct literally means wrong conduct or improper conduct. In usual parlance, misconduct means a transgression of some established and definite rule of action, where no discretion is left, except what necessity may demand and carelessness, negligence and unskilfulness are transgressions of some established, but indefinite, rule of action, where some discretion is necessarily left to the actor. Misconduct is a violation of definite law; carelessness or abuse of discretion under an indefinite law. Misconduct is a forbidden act; carelessness, a forbidden quality of an act, and is necessarily indefinite. Misconduct in office may be defined as unlawful behaviour or neglect by a public officer, by which the rights of a party have been affected."

6. Thus it could be seen that the word 'misconduct' though not capable of precise definition, on reflection receives its connotation from the context, the delinquency in its performance and its effect on the discipline and the nature of the duty. It may involve moral turpitude, it must be improper or wrong behaviour; unlawful behaviour, willful in character; forbidden act, a transgression of established and definite rule of action or code of conduct but not mere error of judgment, carelessness or negligence in performance of the duty; the act complained of bears forbidden quality or character. Its ambit has to be construed with reference to the subject matter and the context wherein the term occurs, regard being had to the scope of the statute and the public purpose it seeks to serve....."

(emphasis supplied)

23. While appreciating the crucial aspect as to whether the acts

and omissions attributed to the petitioner constitute “misconduct” within the meaning of Section 39(1) (i) of the Act, 1959, the Court has to be also sensitive to the fact that an elected representative cannot be permitted to be removed from the office on tenuous grounds. The statutory requirement must be strictly fulfilled. Undoubtedly, if misconduct or disgraceful conduct is proved, an elected representative must be removed from the office lest public interest would be severely jeopardized. At the same time, it is necessary to bear in mind that the removal of an elected office bearer not only entails civil consequences for the said person but the electoral college such person represents is also deprived of representation in the local self governing body / legislature by a person of their choice. It is, therefore, imperative that the grounds of removal or disqualification are clearly established and the procedure prescribed in the governing statute is scrupulously followed before an elected office bearer is removed from his office. The decision making process has to be in conformity with the principles of natural justice and the person concerned must get an efficacious opportunity to meet the indictment.

24. A profitable reference in this context can be made to a three Judge bench judgment of the Supreme Court in the case of ‘*Nisar*

Ahmad Ibrahim Khan Vs. Deolali Cantonment Board and Ors' ³.

wherein the Supreme Court postulated the law as under:

“14. There is no common law of elections. The proceedings calling in question the validity of an election are purely statutory proceedings. An election contest is not an action at law or a suit in equity, but is purely a statutory proceeding unknown to the common law and that the Court possess no common law power. It is trite proposition that in such proceedings statutory requirements must strictly be established. It is also well settled that the success of a candidate who has won at an election should not be lightly interfered with.”

(emphasis supplied)

25. In the case of ***'Ravi Yashwant Bhoir Vs. District Collector, Raigad and Ors'*** ⁴ the Supreme Court highlighted the care and caution that is required to be observed while removing an elected office bearer from the office and the jurisprudential foundation for such circumspection, in the following words :

....“ 34. In a democratic institution, like ours, the incumbent is entitled to hold the office for the term for which he has been elected unless his election is set aside by a prescribed procedure known to law or he is removed by the procedure established under law. The proceedings for removal must satisfy the requirement of natural justice and the decision must show that the authority has applied its mind to the allegations made and the explanation furnished by the elected office bearer sought to be removed.

35. The elected official is accountable to its electorate because he is being elected by a large number of voters. His removal has serious repercussions as he is removed from the post and declared disqualified to contest the elections for a further stipulated period,

3 1987 (Supp) SCC 562

4 (2012) 4 SCC 407

but it also takes away the right of the people of his constituency to be represented by him. Undoubtedly, the right to hold such a post is statutory and no person can claim any absolute or vested right to the post, but he cannot be removed without strictly adhering to the provisions provided by the legislature for his removal (Vide: [Jyoti Basu & Ors. v. Debi Ghosal & Ors.](#), AIR 1982 SC 983; [Mohan Lal Tripathi v. District Magistrate, Rai Bareilly & Ors.](#), AIR 1993 SC 2042; and [Ram Beti etc. etc. v. District Panchayat Rajadhikari & Ors.](#), AIR 1998 SC 1222).

36. In view of the above, the law on the issue stands crystallized to the effect that an elected member can be removed in exceptional circumstances giving strict adherence to the statutory provisions and holding the enquiry, meeting the requirement of principles of natural justice and giving an incumbent an opportunity to defend himself, for the reason that removal of an elected person casts stigma upon him and takes away his valuable statutory right. Not only the elected office bearer but his constituency/electoral college is also deprived of representation by the person of his choice.

37. A duly elected person is entitled to hold office for the term for which he has been elected and he can be removed only on a proved misconduct or any other procedure established under law like 'No Confidence Motion' etc. The elected official is accountable to its electorate as he has been elected by a large number of voters and it would have serious repercussions when he is removed from the office and further declared disqualified to contest the election for a further stipulated period."....

(emphasis supplied)

26. In the light of the aforesaid position in law, reverting to the facts of the case, at the outset, I find substance in the submissions of Mr. Chetan Patil that the impugned order passed by Minister, Rural Development, is bereft of reasons. A bare perusal of the impugned order would indicate that the Minister, Rural Development has

encapsulated the complaint of respondent nos. 4 to 7, the response of the petitioner thereto, the substance of the enquiry conducted by the Chief Executive Officer and the findings returned by the Divisional Commissioner and thereafter proceeded to simply observe that the petitioner had not urged any new ground other than the one urged before the Divisional Commissioner and, thus, there was no reason to interfere with the order passed by the Divisional Commissioner.

27. The impugned order singularly lacks analysis of the legality and correctness of the findings recorded by the Divisional Commissioner. It is well recognized that even the administrative orders are required to be supported by reasons. A reason is said to be the heartbeat of every conclusion. The absence of reason renders an order indefensible. Since it was a statutory appeal before the State Government, it was incumbent upon the Minister to record reasons in support of the ultimate findings. A bald observation that there was no reason to interfere with the order passed by the Divisional Commissioner is not a substitute for recording reasons for the decision either way.

28. Nonetheless, having regard to the time sensitivity of the matter; as the term of the village panchayat expires in February 2026,

this Court considered it appropriate to delve into the merits of the matter rather than remit the matter back to the Appellate Authority for a fresh decision.

29. As regards the first count of holding of the meeting of the Gramsabha on 26th January 2022 in the absence of quorum, from the perusal of the report of the Chief Executive Officer, which is the foundation of the order passed by the Divisional Commissioner, it becomes evident that the Chief Executive Officer has drawn an inference about the members who attended the said Gramsabha online. It appears that when the Gramsabha meeting commenced, 68 members joined the same Online, yet, in the document which was generated names of only 57 members, who attended the meeting Online, were found. Therefore, the CEO drew an inference that 97 members attended the said Gramsabha and, thus, the quorum (of 100) was not complete.

30. These factual findings are completely in contrast with the earlier report of the Chief Executive Officer, wherein the Chief Executive Officer had reported that 109 members were present for the said Gramsabha. The submission of Mr. Gavnekar that the first report is required to be totally eschewed from consideration does not merit

acceptance unreservedly. To the extent that the first report refers the factual findings, the petitioner would be justified in canvassing a submission that, on the same set of facts, in the subsequent report, the Chief Executive Officer has drawn unsustainable inferences.

31. In any event, the number of members who allegedly attended the meeting of the Gramsabha was marginally short of the quorum. The material on record would indicate that the petitioner and the Gramsevak had submitted documents to show that the number of members present had exceeded the quorum of 100. It is quite possible that some members, who were initially present Online, might not have marked their attendance, and there might have been some duplication in marking the attendance or counting the number of members or an error in counting the number of members who were present, for the purpose of completion of quorum. Yet, at best, the said lapse on the part of the petitioner can only be said to be an irregularity. It does not fall within the dragnet of misconduct.

32. I am, therefore, inclined to hold that the holding of the meeting of the Gramsabha without verifying the fact as to whether the quorum was complete, even if taken at face value, in the circumstances of the case, did not amount to misconduct within the meaning of

Section 39 (1) (i) of the Act, 1959.

33. The second count of the alleged misconduct appears to be even more fragile. The Chief Executive Officer has categorically recorded that the petitioner had offered an explanation that he declined to sign the cheque drawn towards the payment of charges for the repairs of water purifier as the then Administrator had not signed the Note to sanction the said expenditure. The Chief Executive Officer records that the said Administrative Note was verified and there was no signature of the then Administrator according sanction for the said expenditure. In such circumstances, the refusal of the petitioner to put signature on the cheque drawn towards payment for the expenditure incurred while the Administrator was in-charge of the aforesaid Village Panchayat, on the ground that there was no proper sanction order, could not have been construed as a misconduct. Had the petitioner blindly signed the cheque, the petitioner could have been hauled up for dereliction of duty in signing the cheque without verifying the legitimacy of the payment. The refusal of the petitioner to sign the cheque, in the circumstances of the case, would neither amount to misconduct nor negligence of his duties as a Sarpanch of the Village Panchayat.

34. If the aforesaid nature of the acts and omissions attributed to the petitioner is appreciated through the prism of imperativeness of establishing the grounds of removal firmly, before an elected representative is unseated, the impugned orders of removal of the petitioner from the post of Sarpanch become clearly unsustainable. Consequently, the impugned orders deserve to be quashed and set aside. For the forgoing reasons, the petition deserves to be allowed.

35. Hence, the following order:

ORDER

- i) The petition stands allowed
- ii) The impugned order as well as the order dated 30th October 2024 passed by the Divisional Commissioner, removing the petitioner from the post of Sarpanch of Village Panchayat, Jawalarjun, Tal-Purandhar, Dist-Pune, stand quashed and set aside.
- iii) Rule made absolute to the aforesaid extent.

No costs.

(N.J. JAMADAR, J)