

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9163 OF 2025**

Poonam Gajanan Honwar ... Petitioner
versus
The Addl. Divisional Commissioner, Pune
Division and Ors. ... Respondents

Mr. Nagesh Chavan with Ms. Ankita Chindage, for Petitioner.
Ms. Sulbha Chipade, AGP for State.

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CORAM: N.J.JAMADAR, J.

DATE : 4 AUGUST 2025

ORAL ORDER :

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to a judgment and order dated 11 February 2025 passed by the Additional Divisional Commissioner, Pune in Grampanchayat Appeal No.16 of 2023, whereby the appeal preferred by the Petitioner against an order of disqualification passed by the Collector, Sangli under Section 14(1)(j-1) of the Maharashtra Village Panchayat Act, 1958, came to be dismissed.
3. The Petitioner was elected as a member of the Madhav Nagar Village Panchayat from Ward No.5, a ward reserved for women (general), on 20 December 2022. The Respondent No.3 filed proceeding before the District Collector, Sangli, asserting that as of the date of the filing of the nomination form for election to the Village Panchayat, the Petitioner had more than two

children. Thus, the Petitioner incurred disqualification under Section 14(1)(j-1) of the Act, 1958. The Petitioner had made a false declaration, on an affidavit, that she had two children. A copy of the birth certificate of the child was annexed to the said proceeding, which revealed that the third child, a daughter, was born to the Petitioner on 1 November 2020.

4. After conducting an inquiry, the Collector was persuaded to allow the said dispute and declare that the Petitioner had incurred disqualification. The Collector took note on the fact that the names of the two elder children of the Petitioner matched with the declaration made by the Petitioner in her affidavit. Birth certificate of the third child indicated that the Petitioner was the mother of the said child.

5. Being aggrieved, the Petitioner preferred an appeal before the Additional Division Commissioner under Section 16 of the Act, 1959. The Additional Divisional Commissioner did not find any merit in the appeal.

6. Mr. Chavan, learned Counsel for the Petitioner submitted that the authorities committed grave error in law in basing their findings solely on the basis of the documents tendered by the Petitioner, sans any inquiry. It was further submitted that the Petitioner has not had an efficacious opportunity of hearing before the Collector as the Petitioner could not participate in the proceeding on account of her illness. Therefore, the impugned orders deserve to be interfered with.

7. From the perusal of the material on record, it appears that there was no controversy over the fact that the Petitioner was the mother of the first and second child, whose names were declared by the Petitioner herself, in the affidavit filed along with the nomination form. The controversy was regarding the third child. Respondent No.3 had placed on record the birth certificate issued by the Municipal Council. It revealed that the Petitioner was the mother of the said third child. What weighed with the authorities, especially the Additional Divisional Commissioner, was the fact that the Petitioner did not categorically dispute that the third child was not born to her.

8. The thrust of the challenge was on the ground that the authorities did not conduct independent inquiry to ascertain the correctness of the documents. Entries made in the register of birth and death are relevant. Had the Petitioner specifically disputed the correctness of the contents of the birth certificate or categorically denied the fact that the third child was not born to her or offered any other explanation, the authorities would have been required to call for and examine the entries in the birth register.

9. In the absence of challenge on the specific count that the third child was not born to the Petitioner, the authorities below cannot be said to have committed any error in arriving at the findings on the basis of the documents on record. Thus, in exercise of the writ jurisdiction, no interference is warranted in the impugned order.

10. The Writ Petition, thus, stands dismissed.

(N.J.JAMADAR, J.)