

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12931 OF 2025

1. Sushma Rajesh Nakhwa
2. Naina Vikas Shildankar,
3. Bhagyashri Somnath Nakhwa,
4. Sushmita Sujit Gharat,
5. Asmita Ashok Patil,
6. Vishwas Hari Thale,
7. Sanjana Sandesh Patil,
8. Ashwini Nilesh Bhagat

All R/o.At & Post Sasawane,Tal.Alibag, Dist.Raigad.

Petitioners

Versus

1. The Divisional Commissioner,
Konkan Division, Navi Mumbai.
2. Satyavan Gajamam Koli,
3. The State of Maharashtra through
Hon'ble Minister of Rural Development and
Panchayat Raj Department, Government of Maharashtra

Respondents

Mr.Prashant P.Raul for Petitioners.

Dr.Dhruti Kapadia, AGP, for Respondents State.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 8th October 2025

P.C.

1. This petition is filed under Article 226 of the Constitution of India
praying for the following substantive reliefs, which read thus :

“a) by a Writ of mandamus or writ, order or direction of similar nature, your Lordships be pleased to quash and set aside the Impugned Order dated 29.04.2025 passed by Respondent No.1 in JKVISHA/KRA-3/GRAM.PAN.-3/ GRAMPAN-SASAWANE/E-194565/2025;

b) Records and proceedings be called for;

c) Pending the hearing and final disposal, your Lordships be pleased to stay the Impugned Order dated 29.04.2025 passed by Respondent

No.1 in JKVISHA/KRA-3/GRAM.PAN.-3/ GRAMPAN-SASAWANE/E-194565/2025 application filed by respondent;

d) That this Hon'ble Court may direct the Respondent No.3 (Ld.Minister For Rural Development At Mantralaya) to decide the appeal filed by the Petitioners as early as possible within period of 10 days;

e) Costs of this Writ Petition be provided for.”

2. During the course of hearing learned counsel for the Petitioners has submitted that he is not pressing the reliefs as prayed for in prayer clauses (a), (b) and (c) and that the Petitioner would continue the writ petition in terms of the reliefs as prayed for in prayer clause (d).

3. The Petitioners are primarily aggrieved by the inaction on the part of Respondent no.3 i.e. learned Minister for Rural Development, Government of Maharashtra, in not deciding the pending appeal preferred before him by the Petitioners, wherein a hearing was granted to the Petitioners on 22nd May 2025, however, no orders in respect thereto have been passed till date in regard to the Petitioners' contention that the Respondent no.2 had filed a complaint against the Petitioners under Section 9 of the Maharashtra Village Panchayats Act, 1958 with the Divisional Commissioner, Konkan Division. The Divisional Commissioner accordingly forwarded the said application to the Chief Executive Officer, who after giving reasonable opportunity of being heard, submitted a report to the Divisional Commissioner. On receipt of the report from CEO, the Divisional Commissioner issued a show cause notice to the Petitioners. After hearing the parties and considering the report submitted by the CEO, the Divisional Commissioner on 29th April 2025 allowed the application of Respondent no.2 and held the Petitioners liable of misconduct and accordingly removed the Petitioners

from the post of Up-Sarpanch and Members of Gram Panchayat. It is against this order dated 29th April 2025 that the Petitioners have preferred an appeal before Respondent no.3 i.e. the Hon'ble Minister for Rural Development, Government of Maharashtra, which is pending adjudication. The anxiety of the Petitioners is that if such an appeal is not taken to its logical conclusion and not decided expeditiously in accordance with law, grave prejudice would be caused to the Petitioners.

4. In our view, considering the limited relief that the Petitioners seek in the petition and although there being no written opposition/reply of the Respondents, considering the nature of the orders we propose to pass, no prejudice would be caused to the Respondents. The following order would serve the ends of justice :

ORDER

- (i) The Respondent no.3 i.e. the Hon'ble Minister for Rural Development, Government of Maharashtra, shall decide the pending appeal of the Petitioners in accordance with law, as expeditiously as possible and preferably within a period of eight weeks from the date this order is made available to the said Respondent by the Petitioners;
- (ii) Let all parties be heard;
- (iii) All rights and contentions of the parties are expressly kept open;
- (iv) The writ petition is disposed of in the above terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)