



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.2809/2022

Devidas Vasram Jadhav and others

...Versus...

The Divisional Commissioner, Amravati Division, Amravati and others

WITH

WRIT PETITION NO.2811/2022

Maya Pandurang Garule

...Versus...

The Divisional Commissioner, Amravati Division, Amravati and others

WITH

WRIT PETITION NO.2812/2022

Meena Pandurang Vyaware

...Versus...

The Divisional Commissioner, Amravati Division, Amravati and others

WITH

WRIT PETITION NO.2813/2022

Ashvini Amol Manwar

...Versus...

The Divisional Commissioner, Amravati Division, Amravati and others

WITH

WRIT PETITION NO.3490/2022

Smt. Savita Panjabrao Kale

...Versus...

The Divisional Commissioner, Amravati Division, Amravati and others

WITH

WRIT PETITION NO.2846/2022

Gopa S/o Lalu Pawar

...Versus...

Divisional Commissioner, Amravati Division, Amravati and others

WITH
WRIT PETITION NO.2821/2022

Madhukar Raju Rathod
...Versus...
The Divisional Commissioner, Amravati Division, Amravati and others

WITH
WRIT PETITION NO.2792/2022

Smt. Ujwala Gajanan Rathod and others
...Versus...
The Divisional Commissioner, Amravati Division, Amravati and others

WITH
WRIT PETITION NO.2842/2022

Sindhu w/o Badriprasad Rathod and another
...Versus...
Divisional Commissioner, Amravati Division, Amravati and others

WITH
WRIT PETITION NO.2822/2022

Sunil Mohan Rathod
...Versus...
Divisional Commissioner, Amravati Division, Amravati and others

WITH
WRIT PETITION NO.3929/2022

Maya Gangaram Rase
...Versus...
Divisional Commissioner, Amravati Division, Amravati and others

WITH
WRIT PETITION NO.3928/2022

Minakshi Digambar Navde
...Versus...
Divisional Commissioner, Amravati Division, Amravati and others

WITH

WRIT PETITION NO.2808/2022

Gajanan Kanbarao Chirange

...Versus...

The Divisional Commissioner, Amravati Division, Amravati and others

WITH

WRIT PETITION NO.2810/2022

Sujata Sanjay Dhule

...Versus...

The Divisional Commissioner, Amravati Division, Amravati and others

WITH

WRIT PETITION NO.3935/2022

Rukhma Manik Koychade

...Versus...

Divisional Commissioner, Amravati and others

WITH

WRIT PETITION NO.4103/2022

Jaykumar Devdatt Mhaske

...Versus...

The Divisional Commissioner, Amravati Division, Amravati and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Ms P.R. Arbat, Advocate for petitioners in WP Nos.2808/2022 to 2813/2022
Mr. A.J.Mirza, Advocate for petitioners in WP Nos.3490/2022, 2846/2022, 2821/2022,
2792/2022, 2842/2022, 2822/2022, 2821/2022, 2792/2022, 2842/2022 & 2822/2022,
Mr. H.R. Gadhia, Advocate for petitioners in WP Nos.3928/2022, 3929/2022 & 3935/2022
Mr. S.S. Kulkarni, Advocate for petitioner in WP No.4103/2022
Mr. S.V. Narale, AGP for respondents/State in all petitions

CORAM : ROHIT W. JOSHI, J.

DATE : 12/09/2025

1. All these petitions involve common question of law for adjudication. The facts of the cases are almost identical. All these cases pertain to order of disqualification

passed purportedly in exercise of power under Section 14 B of the Maharashtra Village Panchayats Act, 1959 (for short herein after referred to as “V.P. Act”). The authorities have passed order of disqualification against the petitioners who were elected as members of different Gram Panchayats on account of failure on their part to file account of election expenses with the State Election Commission within the period stipulated by the State Election Commission. In all the cases the order of disqualification was passed on the ground that account of election expenses is not filed within the stipulated period. The authorities have not recorded satisfaction as to whether failure to file statement of account of election expenses was for good or justifiable reason or not. The orders are also non-speaking and unreasoned. Therefore, all these petitions are being decided by common order. The facts of Writ Petition No.2809/2022 are being considered for deciding the controversy involved in the matter.

2. The petitioners were elected as members of Gram Panchayat, Malaasoli, Tah. Pusad, District Yavatmal in the elections held in the month of January, 2021. The election result was declared on 18/01/2021. The petitioners did not file account of election expenses within the period stipulated by the State Election Commission. On this ground, the Collector, Yavatmal has passed order dated 03/02/2022 holding that the petitioners had incurred disqualification for a period of five years for being members of Gram Panchayat and for contesting election of the Gram Panchayat. The said order dated 03/02/2022 is subject matter of challenge in the present petition.

3. Perusal of Section 14 B of the V.P. Act will demonstrate that in the event of failure on the part of any person to lodge the account of election expenses within the stipulated period with the State Election Commission, it may on arriving at satisfaction that that there was no good reason or justification for such failure, pass an order declaring such person to be disqualified for being a member of Panchayat and/or for contesting election of member of Panchayat for a period of five years from the date of order.

4. Perusal of the provision will demonstrate that failure to lodge account of election expenses within the stipulated period does not *ipso facto* visit the member with disqualification. There has to be specific order regarding disqualification. The authority to pass such order is vested with the State Election Commission only after arriving at a satisfaction that the account of election expenses was not filed without any good reason or valid justification.

5. Perusal of paragraph 6 and 7 of the order will demonstrate that the respondent No.2 has passed the order of disqualification under Section 14 B of the V.P. Act merely by recording that the petitioners had failed to produce any documentary evidence regarding lodging of account of election expenses within the stipulated period. The authority has not recorded any finding that failure to lodge the account of election expenses was without any good reason or justification.

6. It is well settled that power to unseat an elected representative from elected office is a drastic power and such power can be exercised only by the strict compliance with the

mandate of the statute. The said mandate is clearly followed in breach inasmuch as the authority has not recorded any satisfaction that failure to lodge account of expenses was without any good reason or justification.

7. That apart, the satisfaction should not be mechanical. The authority is also under an obligation to record proper reasons for arriving at such satisfaction. Such reasons are completely absent in the impugned order.

8. Mr. Narale, learned Assistant Government Pleader for the respondents justifies the impugned order by drawing attention of this Court to the guidelines issued by the State Election Commission. His contention is that the said guidelines are not followed by the petitioners and therefore, the petitioners are not entitled to hold the office, in view of breach on their part in filing account of election expenses within the stipulated period. I am afraid that this contention cannot be accepted.

9. It is well settled that the order of disqualification must record the reasons for disqualification. The reasons in the order cannot be supplanted by any extraneous material.

10. The other contention raised by the learned Assistant Government Pleader is that the petitioners should approach the said Election Commission with a prayer to remove disqualification or reduce the period thereof in view of the mandate of Section 14 B (2) of the V.P. Act.

11. The impugned order as stated above is a non-speaking order, which results in breach of principles of natural justice.

12. Apart from the fact that the impugned order is a non-speaking order, the authority has also not recorded any finding that the account statement is not filed without any good reason or justification, which is a condition precedent for passing the order of disqualification. Thus, the impugned order suffers from non-compliance of principles of natural justice and also demonstrates jurisdictional error.

13. It will be pertinent to mention that in some cases the petitioners have filed appeals against the orders of disqualification purportedly under Section 16 (2) of the V.P. Act. The said appeals are dismissed. Having regard to language of Section 16 (2) of the V.P. Act, it appears that appeal under the said provision lies only against order passed under Section 14 and not under Section 14 B. The order of disqualification is clearly unsustainable and therefore, the appellate orders are also set aside, in order to avoid any confusion.

14. For these reasons, the preliminary objection pertaining to alternate remedy is also liable to be rejected.

15. For the reasons aforesaid, the writ petitions deserve to be allowed and are allowed accordingly by quashing and setting aside the impugned orders of disqualification passed against the petitioners in all writ petitions. No order as to costs.

(ROHIT W. JOSHI, J.)