



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

CIVIL APPLICATION (CAW) NO.960/2025

IN

WRIT PETITION NO.7897/2025

Gram Panchayat Ghonsa

Vs.

State of Maharashtra and Ors.

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

Court's or Judge's orders

Mr. R. P. Durge, Advocate h/f. Mr.R. R. Vyas, Advocate for
Petitioner.

Mr. N. S. Rao, A.G.P. for Respondent Nos. 1, 2 & 5/State.

Mr. R. V. Malviya and Mr. J. B. Kasat, Advocate for Respondent No.3.

CORAM : NITIN W. SAMBRE AND
MRS.VRUSHALI V. JOSHI, JJ.

DATED : 23/04/2025.

Heard.

2. For the reasons stated in the application, the
application is allowed.

3. The amendment to be carried out within one
week from today.

4. The application stands disposed of.

WRIT PETITION NO.2161/2025

We have heard the learned Counsel for the
petitioner.

2. The respondent No.3 is permitted to shift the
CL-III Licence within the jurisdiction of the petitioner –
Village Panchayat. The said Village Panchayat pursuant to
the provisions of Section 7 of the Maharashtra Village
Panchayats Act held a meeting of women members of the
Gram Sabha and in the said meeting held on 28.08.2024 it

was resolved not to grant no objection in favour of the respondent No.3 for shifting of the Country Liquor (CL-III) Licence within the jurisdiction of the petitioner – Village Panchayat.

3. The said Resolution was placed before the General Gram Sabha for which the meeting was held in accordance with Section 7 of the said Act and after considering the Resolution passed by the women members of the Gram Sabha, the Gram Sabha has resolved and granted no objection in favour of the respondent No.3 for shifting of the licence. Such no objection passed by the Gram Sabha pursuant to the Resolution dated 29.08.2024 is already made operational.

4. It is the contention of the learned Counsel for the petitioner that the proviso to sub-section (5) of Section 7 of the said Act contemplates that in case if the Gram Sabha is not in agreement with the Resolution passed by the women members of the petitioner – Village Panchayat, the Gram Sabha is required to record reasons for such disagreement and grant of no objection.

5. It is urged that in the meeting of the Gram Sabha dated 29.08.2024 though the Resolution of rejection of no objection passed by the women members of the Village Panchayat in its meeting on 28.08.2024 though was referred to, however, the Gram Sabha has failed to record the reasons and as such no objection which is ordered by it ought not to have been acted upon by the respondents for permitting shifting of the CL-III licence within the jurisdiction of the petitioner – Village Panchayat.

6. *Prima facie*, perusal of the Resolution passed by the Gram Sabha on 29.08.2024 depicts that the provision of Sub-Section (5) particularly proviso to Section 7 of the Maharashtra Village Panchayats Act is not adhered to, as the Resolution passed by the Gram Sabha on 29.08.2024 lacks reasons for disagreement of the Resolution passed by the women members of the Gram Panchayat.

7. That being so, issue notice for final disposal to the respondents, returnable on 19.06.2025.

8. Mr. N. S. Rao, learned A.G.P. waives service of notice for respondent Nos.1, 2 and 5.

9. Mr. J. B. Kasat, learned Counsel waives service of notice for respondent No.3.

10. We direct the respondent Nos.1 and 2 to file an affidavit explaining as to why the order permitting shifting of licence be not quashed and set aside for the aforesaid reasons.

(MRS. VRUSHALI V. JOSHI, J.) (NITIN W. SAMBRE, J.)