



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

Writ Petition No.2500 of 2025

Vanita Gautam Landge

vs.

*The State of Maharashtra, through Secretary, Ministry of Rural Development,
Mumbai and others*

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

*Mr. D.S. Lambat, Advocate for the Petitioner.
Mrs. Mrunal Naik, A.G.P. for the Respondents.*

CORAM: ROHIT W. JOSHI, J.
DATE : 2nd SEPTEMBER, 2025.

Heard.

02. The petitioner was elected as a Member of Gram Panchayat Dahegaon, Taluka Samudrapur, District Wardha. The polling was conducted on 05/11/2023 and the results were declared on 06/11/2023. An order of disqualification is passed against the petitioner by the State Election Commission on the ground that the petitioner did not file statement of accounts of election expenses within the stipulated period of 30 days as prescribed under order dated 21/04/1995 issued by the State Election Commission.

03. It is pertinent to mention here that Section 14B of the Maharashtra Village Panchayats Act, 1959 does not by itself prescribe any period for lodging statement of accounts. It enables the State Election Commission to specify the period within which the statement of accounts of election expenses is to be lodged. The State Election Commission has stipulated period of 30 days for the said purpose.

04. In the present case, the elections were declared on 06/11/2023 and the statement of accounts of elections expenses is lodged with the Election Commission on 07/12/2023. It is not in dispute that the statement of accounts of election expenses was filed on 07/12/2023. The order dated 21/04/1995 prescribes that the statement of accounts of expenses must be filed within a period of 30 days from the date of declaration of results. For the purpose of counting the period of 30 days, the first day of declaration of result will have to be excluded. Thus, there is a delay of one day only in lodging the statement of accounts of expenses.

05. The provisions contemplate that a person, who does not furnish the statement of accounts within the stipulated period, may be disqualified if satisfactory reasons are not furnished by him.

06. In the present case, perusal of the impugned order indicates state that cases of 73 candidates have been considered together. There is no consideration of individual case. The authority has observed that four candidates have failed to offer proper explanation for the delay. No reasons are assigned for not accepting the explanation except for the statement that the reason assigned is not proper. Unseating of an elected candidate from an elected office is a serious matter. It must not be done except for compelling reasons. The impugned order is a non-speaking order. It does not exhibit application of mind qua the explanation offered by the petitioner. The manner in which the impugned order is passed cannot be sustained and, therefore, liable to be quashed and set aside.

07. In view of the above, the writ petition is allowed. Order dated 28/02/2024 passed by respondent No.3-District Collector (Gram

Panchayat-Election Branch), Wardha is quashed and set aside as against the petitioner. The respondents-authorities are directed to place the petitioner in charge of the Office of the Member of the concerned Gram Panchayat on or before 12th of September, 2025.

JUDGE

**sandesh*