



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

WRIT PETITION NO. 3253/2025

(SATYAPAL GOVINDA RATHOD **VERSUS** THE STATE OF MAHARASHTRA & OTHERS)

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

Court's or Judge's order

Shri M.N. Ali, counsel for the petitioner.
Shri N.S. Autkar, Assistant Government Pleader for the respondent nos.1 and 4.
Shri P.S. Girdekar, counsel for the respondent nos.2 and 3.
Shri A.M. Kukday, counsel for the respondent no.5.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : SEPTEMBER 16, 2025

Heard the learned counsel for the parties.

2. The petitioner has challenged the order dated 09.06.2025 passed by the respondent no.1-Minister, Rural Development Department granting stay to the order passed by the respondent no.4-Additional Commissioner, Amravati Division, Amravati on 09.10.2024.

3. The learned counsel for the petitioner submits that the impugned order granting stay to the order of disqualification is unreasoned and the order does not reflect any consideration of the issues involved in the matter. The learned counsel invites attention to the impugned order and points out that only in one line it is mentioned that after considering the submissions of the parties, the interim order needs to be passed.

4. The controversy involved in the matter is with respect to the disqualification of the respondent no.5 as Sarpanch of Gram Panchayat Mahuli, Taluka Manora, District Washim.

5. The proceedings under Section 39(1) of the Maharashtra Village Panchayats Act, 1959 were initiated on the application submitted by the petitioner and by considering the fact that the First Information Report is registered against the respondent no.5 for the offence under Section 7 and 7-A of the Prevention of Corruption Act, 1988, the respondent no.4-Additional Commissioner has passed the order on 09.10.2024 by which the respondent no.5 was held to be disqualified.

6. The respondent no.5 raised a challenge to the order passed by the respondent no.4-Additional Commissioner by way of appeal before the respondent no.1-Minister, Rural Development Department. During the pendency of the appeal, the respondent no.1 has passed the impugned order on 09.06.2025.

7. As regards the basic contention of the petitioner that the impugned order is unreasoned, the counsel for the respondent no.5 submits that the respondent no.1 has referred in paragraph 2 that the arguments of the parties were heard and as such the impugned order cannot be considered to be unreasoned.

8. Perusal of the impugned order shows that the same does not mention any reasons for granting the interim stay. The order passed by the Additional Commissioner dated 09.10.2024 disqualifying the respondent no.5 is based on substantial reasons, particularly the lodging of the First Information Report against the respondent no.5. In view of this, it was incumbent on the part of respondent no.1 to record reasons while passing the impugned order.

9. It has to be noted that substantive appeal is filed by the respondent no.5 before the respondent no.1 and it is pending. Since the impugned order is unreasoned and does not demonstrate consideration of issues or about need for passing interim orders, the

same is unsustainable on this count and it is liable to be quashed and set aside.

10. The impugned order dated 09.06.2025 passed by the respondent no.1-Minister, Rural Development Department is quashed and set aside. The matter is remanded to the respondent no.1 for considering the prayer for interim relief afresh, after giving an opportunity of hearing to the parties. The parties are directed to remain present before the respondent no.1-Minister, Rural Development Department on 29.09.2025 and invite its attention to this order. The respondent no.1-Minister is requested to make an endeavour to decide the appeal within a period of two months from the first date of appearance of the parties before the said Authority.

11. The writ petition stands disposed of in aforesaid terms. No costs.

(PRAFULLA S. KHUBALKAR, J.)