



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

**WRIT PETITION NO. 3420 OF 2025**

Vidya W/o. Someshwar Meher,  
Age : 40 Years, Occu. : Sarpanch,  
R/o. Ganeshpur, Tq. & Dist. Bhandara.

.... Petitioner

***VERSUS***

1. State of Maharashtra  
Through its Minister,  
Department of Rural Development,  
PWD Bhawan, 25, Marzbhan Road,  
Mumbai – 400 001.
2. Divisional Commissioner,  
Nagpur Division, Nagpur.
3. Chief Executive Officer,  
Zilla Parishad, Bhandara.
4. Govardhan Devram Sakure,  
Age : 44 Years, Occu. : Business,  
R/o. Subhash Ward, Ganeshpur,  
Tq. & Dist. Bhandara.
5. Gram Vikas Adhikari,  
Gram Panchayat Ganeshpur,  
Tq. & Dist. Bhadara.

.... Respondents

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Advocate for Petitioner : Mr. R.G. Kavimandan  
AGP for Respondent Nos.1 & 2-State : Mr. N.S. Autkar  
Advocate for Respondent No.3 : Mr. R.S. Khorbragade  
Advocate for Respondent No.4 : Mr. R.M. Bhangde  
Advocate for Respondent No.5 : Mr. H.A. Khedikar

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**CORAM : PRAFULLA S. KHUBALKAR, J.**

**Dated : 10<sup>th</sup> DECEMBER 2025**

**JUDGMENT :**

1. Heard.

2. **Rule.** Rule is made returnable forthwith and by consent of learned Advocates appearing for the parties, the petition is taken up for final disposal.

3. The petitioner has challenged the the order dated 19.06.2025, passed by respondent No.1 Hon'ble Minister, Rural Development and Panchayat Raj, in the proceedings bearing No.VPM-2024/Case No.17/Panchayat Raj-6 as well as the order dated 12.01.2024, passed by respondent No.2 Additional Commissioner, Nagpur Division, Nagpur, in the proceedings bearing VPA Appeal No.39(1)/35/2023-24, disqualifying the petitioner for the post of Member and Sarpanch of Gram Panchayat Ganeshpur, Tq. and Dist. Bhandara, under Section 39(1) of the Maharashtra Village Panchyats Act, 1958 (for short, "the Act").

**IN NUTSHELL, CASE OF THE PETITIONER IS AS UNDER :**

4. The petitioner was elected as a Member and Sapranch of Gram Panchayat Ganeshpur, Tq. and Dist. Bhandara, on 20.12.2022.

During the tenure of petitioner as Sarpanch, a complaint was submitted by respondent No.4, alleging that the petitioner has committed illegalities while working as Sarpanch and rendered himself liable for disqualification under Section 39(1) of the Act. On the basis of complaint, an enquiry was conducted by respondent No.3 Chief Executive Officer, Zilla Parishad, Bhandara, with respect to the alleged illegalities. Respondent No.3 submitted its report dated 31.10.2023 and thereafter, respondent No.2 Additional Commissioner has passed the order dated 12.01.2024, ordering disqualification of the petitioner as Member and Sarpanch of Gram Panchayat Ganeshpur. The petitioner's challenge thus by way of an appeal before respondent No.1 Hon'ble Minister, came to be dismissed by order dated 19.06.2025. The petitioner has challenged both these orders by way of instant petition.

#### **SUBMISSIONS OF PARTIES**

5. Learned Advocate for the petitioner submitted that the reasons for disqualification as mentioned in the report of respondent No.3 Chief Executive Officer, are without any basis and there is no material to invoke provisions of Section 39(1) of the Act, rendering the petitioner disqualified. He submitted that, as regards the alleged action of demolition of toilet, there is no illegality on the part of the

petitioner, because the decision to demolish the toilet was already taken by way of Resolution of earlier body of Gram Panchayat and the petitioner has only implemented it. As regards the allegation of misappropriation of money, he submitted that there is no material to conclusively infer that the petitioner has indulged in the act of misappropriation of money or benefited thereof. Hence, the reasons for disqualification have no basis.

6. Learned Advocate for the petitioner further submitted that the petitioner is democratically elected Sarpanch of Gram Panchayat and he cannot be removed only on the basis of bare allegations. In support of his submissions, he placed reliance on the judgment of the Hon'ble Supreme Court in the case of ***Ravi Yashwant Bhoir Vs. District Collector, Raigad and Others, [AIR 2012 SC 1339]*** and submitted that for an act of a Gram Panchayat based on collective decision, an individual member cannot be held responsible. He also placed reliance on the judgment of Co-ordinate Bench of this Court in the case of ***Rajendra Radhakisan Raut Vs. State of Maharashtra, [AIR Online 2022 BOM 1024]*** and submitted that, in absence of any substantive material to prove misappropriation of money, the authorities are not empowered to pass drastic orders of disqualification of an elected member.

7. Opposing the petition, learned AGP as well as learned Advocate for respondent Nos.3 to 5 submitted that respondent No.2 Additional Commissioner passed the order under Section 39(1) of the Act is based on the report of respondent No.3 Chief Executive Officer, which categorically records the illegalities committed by the petitioner attracting disqualification. They submitted that respondent No.2 Additional Commissioner has passed the order on the basis of his subjective satisfaction, which is upheld by respondent No.1 Hon'ble Minister and there is no need to interfere.

#### **CONSIDERATION OF CASE**

8. While considering the controversy, it has to be seen that respondent No.2 Additional Commissioner has passed the order under Section 39(1) of the Act, by duly considering the report of respondent No.3 Chief Executive Officer. A perusal of the impugned order shows that, respondent No.2 has given due consideration to each of the aspect related to alleged irregularities and illegalities committed by the petitioner while working as Sarpanch of Gram Panchayat. A perusal of the impugned order also shows that respondent No.2 has passed the order after affording due opportunity of hearing to the petitioner concerned and passed a well reasoned order. It has to be noted that respondent No.2 is empowered to pass orders under Section 39(1) of the Act, on the basis of his subjective satisfaction.

9. A perusal of the report, which is submitted by respondent No.3 Chief Executive Officer, clearly shows that the petitioner has committed several acts rendering him disqualified to hold the post of Sarpanch. Although learned Advocate for the petitioner submitted that the toilet was demolished in accordance with the Resolution dated 07.09.2022, passed by the earlier body of Gram Panchayat, it is pointed by learned Advocate for the respondents that the resolution about demolition of toilet was with respect to other toilet situated in front of Zilla Parishad School, Behind Primary Health Centre and therefore, the contention of the petitioner that he has only implemented earlier resolution is not acceptable. On perusal of record, it becomes clear that the petitioner has demolished the toilet, which is a public property and has thus rendered himself liable for action under Section 39(1) of the Act.

10. On perusal of the orders passed by respondent No.2 Additional Commissioner as well as respondent No.1 Hon'ble Minister, it is amply clear that the authorities have recorded findings based on the report of respondent No.3 Chief Executive Officer and there is no perversity in the findings of both the authorities. The orders passed by both the authorities are very well reasoned and need no interference on any count.

11. In view of above mentioned factual and legal aspects, no indulgence is warranted under Article 227 of the Constitution of India with the impugned orders. Thus, the writ petition is dismissed with no order as to costs. Rule stands discharged.

**[ PRAFULLA S. KHUBALKAR ]**  
**JUDGE**

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