



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

WRIT PETITION NO. 4857/2023

**Vijay Mahadeo Parchake Vs. The State of Maharashtra, The
Divisional Commissioner, Amravati and others**

Office Memoranda of Appearances, Court's directions and orders	Notes, of Court's orders and Registrar's	Office Coram, Court's orders or Registrar's	Court's or Judge's orders
--	--	---	---------------------------

Mr. R.S. Thengne, Advocate for Petitioner

Ms. PC. Bawankule, AGP for Respondent/ State

Mr. Rushikesh Mahajan, Adv. h/f Mr. A.M. Chandekar, Advocate for Respondent
No.4

CORAM: ANIL L. PANSARE, J.

DATED : 18th JUNE, 2025

1. The learned Assistant Government Pleader submits that reply is ready and it will be filed during the course of the day. Be filed.

2. The petitioner has been disqualified as Member of Grampanchayat Kona, Tah. Wani, District Yavatmal, for not paying the taxes within stipulated time. The argument is that notice of demand of bill was never placed before the learned Collector.

3. As such, the learned Assistant Government Pleader submits that notice of demand was served on the petitioner on 10.04.2021, however, a specific plea was taken by the petitioner which has been referred to by this Court in the order dated 19.10.2023, wherein statement made by the petitioner's counsel that notice of demand was never placed before the learned Collector. The AGP was directed to take instructions and make a statement in this regard.

4. Thereafter, the matter was listed on 27.10.2023 and following order was passed.

“The documents placed on record, do not demonstrate that the demand of the bill of taxes, was served upon the mother of the petitoenr who is owner of the property. It also not in question that the liability to pay taxes would commence, consequent to the receipt of the bill of demand.

2. The documents placed on record by Mr. Chandekar for respondent No. 4 (page 62) do not indicate any date of receipt of demand, considering which, the disqualification on this ground cannot be sustained. However Mr. Chandekar learned counsel for respondent No. 4 seeks some time to place on record the date on which the deed of demand of taxes was received by the mother of the petitioner, considering which list the matter on 10.1.2024.

3. Interim order to continue till then.”

5. As could be seen, the Court noted that the documents placed on record do not demonstrate that the demand of bill of taxes was served upon the petitioner himself. It is further recorded that the documents placed on record by the respondent No.4 do not indicate any date of receipt of the document. A finding is then recorded that in such circumstances, disqualification cannot be sustained. However, the respondent No.4's counsel sought time to file on record the date on which the demand of bill of taxes was received by petitioner and accordingly the petition came to be adjourned to 10.06.2025 and thereafter till date the respondent No.4 has not placed on record any document showing petitioner receiving a bill of demand as claimed by the respondent No.4.

6. The counsel for the respondent No.4 submits that despite repeated efforts, the respondent No.4 has not responded at all. That being so, there appears no reason to further continue with the proceedings. There is nothing on record to indicate that the demand of bill of taxes was served upon the petitioner, to blame the petitioner of not paying taxes within stipulated time which period commences from the date of service of demand notice. The authorities below have not considered this vital point and proceeded to pass order of disqualification which has far reaching effect. The respondent authorities ought to have been cautious on this count, nonetheless this is not the only case, where such a casual approach is noticed. However, with a hope that in future, there will be some improvement, the petition is allowed. The impugned orders dated 26.05.2023, passed by respondent No.1 in Appeal No. 143/B.V.P. 16(2) Kona/2022 and order dated 21/11/2022 passed by the respondent No.2 in G.P. Case No. 2058/69/14/2021 in case of Grampanchayat Kona, Tah. Wani District Yavatmal are quashed and set aside. No order as to costs.

(ANIL L. PANSARE, J.)