



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

WRIT PETITION NO. 5299 OF 2024

Sheikh Khadir Sheikh Hanif

Vs.

Hon'ble Minister for Rural Development, State of Maharashtra, Mantralaya, Mumbai
and Ors.

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

Court's or Judge's Orders.

Mr. Devdutt Gawande, Advocate for petitioner.
Mr. B.M. Lonare, AGP for respondent/State.
Mr. Pawan Raulkar, Advocate for respondent No.5.
Mr. V.N. Patre, Advocate for respondent No.6.

CORAM : SMT. M.S. JAWALKAR, J.

DATE : 24.01.2025.

Heard the learned counsel for the
petitioner and learned counsel for respondents.

2. The contention is that the petitioner had
filed an application under Section 39(1) of the
Maharashtra Village Panchayat Act, 1959, against
respondent No.6 for his removal from the post of
'Sarpanch' as well as Member of the Panchayat.
Being guilty of misconduct, he discharged from his
duties before the Additional Commissioner,
Amravati. It is alleged that illegal mutation entries
were effected without their being any registered

documents. Zilla Parishad, Chief Executive Officer, conducted enquiry as per direction of respondent No.2. The Chief Executive Officer after enquiry the respondent No.6 found guilty of misconduct and discharged of his duties and proposed the removal from the post and submitting his report to the respondent No.3. The respondent No.2 after granting opportunity, allowed the application filed by the petitioner and remove respondent No.6 from his post of 'Sarpanch' as well as Member of the Panchayat. Respondent No.6 challenged the aforesaid order dated 30.11.2023 passed by the respondent No.2 before the Hon'ble Minister for Rural Development. There was stay during the pendency of the appeal. This petition filed by the petitioner challenging the stay granted however, this Court refused to interfere and directed to decide the appeal itself within two months. However, it was not decided in prescribed time and the contempt proceedings required to be initiated on 20.06.2024. Finally, the appeal came to be decided on 12.07.2024 and allowed the appeal.

3. It appears from the enquiry report that four charges were framed against the respondent No.6. However, the Hon'ble Minister Secretary, has not considered and adjudicated all the four charges

and is only considered the fourth charge. This position is not disputed by the respondents, however, it is the contention of respondent that there is no misconduct in view of the documents placed on record by the respondents. However, this fact from the report of Chief Executive Officer and the respondent No.1, admittedly, there were four charges against petitioner however, other charges were not adjudicated by respondent No.1. The order passed by respondent No.1 is liable to be set aside and the matter needs to be remanded back for fresh hearing and consideration of the documents for adjudication of all the charges. As such, impugned order passed by the Hon'ble Minister for Rural Development, Maharashtra, (Respondent No.1) in Appeal No.VPM-2023/Pra.Kra.-182/Pan.Ra.6/ Gram Panchayat, Bramhangaon, Tq. Umarkhed, Dist. Yavatmal is hereby quashed and set aside.

4. The matter is remanded back to respondent No.1 to hear the parties afresh and considered the documents filed by the parties before it and to adjudicate all the charges levelled against the respondent No.6.

5. The respondent No.1 shall decide the appeal within a period of one month from today

from receipt of copy of this order. There shall be interim relief granted by appellate authority to continue till disposal of appeal.

6. The petition stands disposed of in above terms.

7. The parties shall appear before the Hon'ble Minister for Rural Development-respondent No.1 on 30.01.2025.

(SMT. M.S. JAWALKAR, J.)