



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

Writ Petition No.4488/2025
Pralhad V Hon'ble Minister and others

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

Court's or Judge's orders

Mr. K.D. Bhende, Advocate for petitioner.
Mr. P.A. Kadu, Advocate for resp. no.3.
Mr. Narale, AGP for resp. nos.1 and 2.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 01-12-2025.

Heard learned Counsel for the petitioner as well as the learned Counsel for the respondents.

2. By this petition, the petitioner has challenged order dated 09-06-2025 passed by respondent no.1, thereby allowing the appeal under Section 39(3) of the Maharashtra Village Panchayats Act, 1959 (for short, 'the said Act'). The controversy involved in the petition arises out of proceedings of petition under Section 39(1) initiated against respondent no.3. By virtue of order dated 15-01-2025 passed by respondent no.2, respondent no.3 is held to be disqualified under Section 39(1) for holding the post of Sarpanch and Member of Gram Panchayat Rohana, Taluka Manora, District Washim. Respondent no.3 feeling aggrieved by this order, filed an appeal before respondent no.1-Hon'ble Minister, Rural Development Department under Section 39(3) of the Act. The appeal came to be decided finally by order dated 09-06-2025, which is subjected to challenge in this petition.

3. It is pointed out that the impugned order passed by respondent no.1 is unreasoned and without considering the contentions canvassed by the parties. It is submitted that the impugned order is passed by simply referring to the earlier order passed by respondent no.2 and by reproducing the observations,

and the final conclusions are recorded without giving due consideration to the contentions canvassed.

4. Perusal of the impugned order shows that there are no reasons for arriving at the conclusions to interfere with the order passed by respondent no.2 under Section 39(1) of the Act. It is seen that by mainly referring to an earlier order passed by this Court in Writ Petition No.713/2025 by which directions were issued for expeditious decision of the appeal, the impugned order is passed without considering the relevant aspects.

5. In view of these aspects, interest of justice will be subserved by remanding the matter to respondent no.1 for fresh decision after giving due consideration to all the relevant aspects and by granting proper opportunity of hearing to the parties concerned. Hence, following order is passed :-

(a) Impugned order dated 09-06-2025 passed by respondent no.1 is quashed and set aside.

(b) Matter is remanded back to respondent no.1 for deciding the matter afresh after giving opportunity of hearing to all the parties.

(c) In view of the fact that the term of respondent no.3 would expire in short time, respondent no.1 is requested to take decision within one month from the date of receipt of this order.

6. In view of this, writ petition is disposed of.

(Prafulla S. Khubalkar, J.)