



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

WRIT PETITION NO.5198 OF 2025

SAU. VANDANA W/O KISHOR BUTE
VERSUS
MANOJ S/O PREMDAS DHANDALE AND OTHERS

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. N.L. Jaiswal, Advocate for Petitioner.
Mr. R.D. Dharmadhikari, Advocate for Respondent No.1.
Mr. N.S. Autkar, AGP for Respondent No.2-State.
Mr. Shaikh Majid, Advocate for Respondent No.3.
Mr. R.R. Rathod, Advocate for Respondent No.4.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 18th NOVEMBER 2025

1. Heard learned Advocate for the petitioner as well as learned Advocates for the respondents.

2. By this petition, the petitioner has challenged the order dated 03.09.2025, passed by respondent No.2 Additional Commissioner, Nagpur Division, Nagpur, thereby disqualifying the petitioner as Member and Sarpanch of Gram Panchayat Sirsi, Tq. Umred, Dist. Nagpur, by invoking powers under Section 39(1) of the Maharashtra Village Panchayats Act (for short, "the Act").

3. The petitioner's primary contention is that the impugned order, passed by respondent No.2, is without serving any kind of notice or granting opportunity of hearing to the petitioner and the impugned order, having drastic consequences about the disqualification of the petitioner, needs to be quashed and set-aside on this count alone. On this aspect, learned AGP, on instructions, and

after perusing the record, makes a statement that no notice was indeed issued to the petitioner with respect to the proceedings under Section 39(1) of the Act, initiated before respondent No.2. Even learned Advocate for respondent No.1 states that notice of the proceedings was not served upon the petitioner.

4. Having regard to this limited aspect, since the impugned order is passed without issuing notice or granting opportunity of hearing to the petitioner, same deserves to be quashed and set-aside on this sole count.

5. Hence, the writ petition is allowed. The impugned order dated 03.09.2025, passed by respondent No.2 is quashed and set-aside. The matter is remanded to respondent No.2 for a fresh decision after issuing a notice and granting opportunity of hearing to all the parties concerned. All the grounds raised by the petitioner, even with respect to the enquiry report submitted by the Chief Executive Officer, are kept open. Respondent No.2 is directed to take expeditious decision on the proceedings under Section 39(1) of the Act.

6. The writ petition is accordingly disposed of.

7. No order as to costs.

(PRAFULLA S. KHUBALKAR, J.)

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