



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

WRIT PETITION NO.5668 OF 2025

PRAFUL MANOHAR GHARPURE

VERSUS

STATE OF MAHARASHTRA, THR. THE HON'BLE MINISTER OF RURAL
DEVELOPMENT DEPT., MUMBAI 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. V.G. Dhage, Advocate for Petitioner.
Mr. S.V. Narale, AGP for Respondent Nos.1, 2 & 4-State.
Mr. V.D. Raut, Advocate for Respondent No.3.
Mr. H.M. Mendhe, Advocate for Respondent No.5.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 19th NOVEMBER 2025

PER COURT :-

1. Heard learned Advocate for the petitioner.
2. The petitioner's challenge is to the interim order dated 29.08.2025, passed by respondent No.1 Hon'ble Minister of Rural Development Department Mantralaya, Mumbai.
3. Learned Advocate for the petitioner submits that respondent No.5 was removed from the post of Sarpanch by order dated 19.08.2025, passed by respondent No.2 Additional Commissioner, Nagpur Division, Nagpur, by invoking powers under Section 39(1) of the Maharashtra Village Panchayats Act (for short, "the Act"). It is submitted that, without serving any notice upon the

parties, the interim order dated 29.08.2025 is passed. He submits that respondent No.5 was removed from the post of Sarpanch on the basis of an enquiry report submitted by respondent No.3 Chief Executive Officer, and as such, the petitioner, who was the complainant, was entitled to have an opportunity before the interim order could be passed.

4. The controversy involved in this petition is with respect to challenge to the interim order passed by the Hon'ble Minister. Respondent No.5 has filed an appeal under Section 39(3) of the Act, before the Hon'ble Minister, challenging the order dated 19.08.2025, passed by respondent No.2. Although learned Advocate for the petitioner submitted that a caveat was filed by the petitioner, and hence, notice ought to have been given to the petitioner, it is pointed out by learned Advocate for respondent No.5 that the caveat was filed on 29.08.2025 itself and therefore, the contention of the petitioner that he ought to have been given prior notice may not be accepted.

5. Be that as it may, the challenge in this petition is to the interim order passed by the Hon'ble Minister in an appeal filed by respondent No.5. The substantive appeal is pending before the Hon'ble Minister. It is desirable that the parties appear before the Hon'ble Minister and make their submissions on merits.

6. In view of this, no interference is warranted at this stage in the impugned order. The petitioner is at liberty to file his appearance and advance submissions on merits before the Hon'ble Minister.

7. Learned AGP, on instructions, states that notices of the appeal will be issued in the appeal to the parties, within a period of 15 days from today. After the notices are served, the petitioner is permitted to file his reply/submissions before the Hon'ble Minister.

8. Having regard to the fact that the appeal under Section 39(3) of the Act is required to be decided within a period of one month, it is directed that the appeal filed by respondent No.5 bearing Appeal No. V.P.M.-2025/Case No.126/P.R.-3, be decided within a period of one month after appearance of the parties before the Hon'ble Minister.

9. In view of this, the Writ Petition is disposed of.

(PRAFULLA S. KHUBALKAR, J.)

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