



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

WRIT PETITION NO. 5956/2025

(SWAPNIL NANDKUMAR DAHIBHAT **VERSUS** THE ADDITIONAL COMMISSIONER,
AMRAVATI DIVISION, AMRAVATI & OTHERS)

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

Court's or Judge's order

Shri Ram Karode, counsel for the petitioner.

Ms PC. Bawankule, Assistant Government Pleader for the respondent nos.1
and 2.

Shri P.S. Kadam, counsel for the respondent no.4.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : OCTOBER 07, 2025

Heard.

2. The petitioner has challenged the order dated 02.09.2025 passed by the respondent no.1-Additional Commissioner, Amravati Division, Amravati thereby remanding the matter to the respondent no.2-Collector, Akola for reconsideration.

3. The respondent no.4 was elected as Sarpanch of Gram Panchayat, Mundgaon in the election held in December-2022. On 04.10.2023, the petitioner filed an application seeking disqualification of the respondent no.4 under Section 14(1)(g) of the Maharashtra Village Panchayats Act, 1959 (for short, 'the Act of 1959') alleging that the respondent no.4 had made payment of Rs.2,000/- to her brother by cheque and thereby incurred disqualification. The respondent no.2 passed an order dated 03.04.2025 on the aforesaid application and declared the respondent no.4 to be disqualified under Section 14(1)(g) of the Act of 1959. Feeling aggrieved by this order, the respondent no.4 filed an appeal under Section 16(2)

of the Act of 1959 before the respondent no.1. The respondent no.1 decided the appeal by an order dated 02.09.2025 by which the matter is remanded to the respondent no.2 for reconsideration.

4. A bare perusal of the impugned order passed by the respondent no.1 shows that the Authority has *prima-facie* observed that the payment of Rs.2,000/- was made by the respondent no.4 to her brother by cheque towards drainage cleaning charges. However, as regards the controversy raised by the petitioner about existence of drainage at the particular place and about payment being made as charges for drainage cleaning or otherwise, the respondent no.1 thought it fit to get the position ascertained from the original record available with the Office of Gram Panchayat. By recording reasons in this regard, the respondent no.1 has remanded the matter for reconsideration of the issue to the respondent no.2. It appears that the respondent no.1 has given thoughtful consideration to the issue raised and in order to ascertain the factual position from the original record of the Gram Panchayat about nature of payment made by the respondent no.4 to her brother, the matter is remanded to the respondent no.2.

The petitioner's contention that the impugned order is cryptic and that the payment of Rs.2,000/- was made by the respondent no.4 to her real brother demonstrated direct interest of the Sarpanch in the work of Gram Panchayat so as to attract disqualification under Section 14(1)(g) of the Act of 1959, is not

substantiated on the basis of any document. The impugned order is well reasoned and no perversity is demonstrated.

5. There is no reason to interfere under Article 227 of the Constitution of India with the impugned order directing remand of the matter to the respondent no.2-Collector, Akola. The writ petition deserves to be dismissed and the same accordingly stands dismissed with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)