2025:BHC-NAG:8939

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

WRIT PETITION No. 2945/2024

PETITIONER : Smt. Kamlabai Vinod chawhan,
Aged about 35 years,
Occu. Agriculturist,
R/o Tulshinagar, Tq : Mahagaon,
District : Yavatmal

VS.

RESPONDENTS : 1. The Divisional Commissioner,
Amravati Division, Amravati,
having at office Amravati,
Tq. & Dist. Amravati

2. The Collector, Yavatmal

3. Gram Panchayat Tulshinagar,
Through its Secretary

4. Narendra Rajusingh Rathod,
Aged about 53 years,
Occu. Agriculturist,
Tq. Mahagaon, Dist. Yavatmal

Ms. Shaad Mirza, Advocate for Petitioner
Mr. H.D. Futane, AGP for Respondent / State
Mr. Kailash Narwade, Advocate for Respondent No.4

CORAM: SACHIN S. DESHMUKH, J.

DATED : 20th AUGUST, 2025

JUDGMENT :

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the parties at the stage of admission.

2. The petitioner raises challenge to the order rendered by the appellate authority, endorsing the order of the Collector, disqualifying the petitioner as a Member of the Grampanchayat under Section 14(1)(g) and 14(h) of the Maharashtra Village Panchayat Act, 1959 (In short, Act of 1959).

3. The petitioner was elected member of the Grampanchayat, however, on account of failure on the part of the petitioner to pay the bill, which was prepared and presented to the petitioner, vis-a-vis, the employing and engaging the husband of the petitioner in a scheme implemented by the Grampanchayat. The complaint was presented detailing the fact that the property which stands in the name of the petitioner in relation to which the bill was prepared and same was presented raising demand under Section 129(2) of the Act of 1959. Although the bill so presented to the petitioner is acknowledged, however, the payment towards the said bill was made beyond the prescribed period of 90 days. Coupled with the same, the fact remains that the petitioner has directly created interest in the work done under order of the Grampanchayat which is pursuant to engagement of the husband and eventual payment. Thus on aforesaid two-fold grounds disqualification of the petitioner was sought.

4. The petitioner responded the said notice submitting that forged documents are submitted in relation to engagement of the

husband while presenting complaint. It is also submitted that the bill towards the property tax was submitted and is cleared within necessary time frame, as such, in no manner the petitioner entails disqualification on the aforestated grounds. The District Collector while considering the proceedings of disqualification taking into account the date on which the bill was presented and its actual payment which is beyond the prescribed period of 90 days, was in fact paid after 7 months unequivocally entails the disqualification as contemplated under Section 14(1)(h) of the Act of 1959, vis-a-vis, considering the fact that the engagement of the husband of the petitioner in the scheme implemented under the order of Grampanchayat entails disqualification as contemplated under Section 14(1)(g) of the Act of 1959, resultantly, the application was allowed, disqualifying the petitioner for the remainder of period.

5. Aggrieved by the order of the Collector, the petitioner approached to the Divisional Commissioner, by presenting an appeal. The appellate authority considering the fact that the disqualification as is contemplated under Section 14(1)(g) and 14(h) of the Act of 1959 has taken place as such dismissed the appeal concurring the findings of fact rendered by the Collector while disqualifying the petitioner.

6. It is the contention of the petitioner that both the authorities below have misread and misinterpreted the fact that the petitioner

has entailed disqualification on account of failure to pay the tax, which in fact, the petitioner has paid immediately after presentation of the bill and so far as engaging husband in a scheme under the order of Grampanchayat is denied as same is based on fraudulent document is not taken into account. It was further submitted that the proceedings were initiated seeking disqualification are politically motivated. Per contra, the counsel and Assistant Government Pleader for the respondents have supported the order and prayed for dismissal of the petition.

7. Having heard the respective counsels, the aspect of presentation of bill towards the property tax is concerned, it was prepared on 28.6.2021 and eventually submitted on 05.07.2021. As such, it was obligatory for the petitioner to pay the same within a period of 90 days, however, the receipt which the petitioner has placed on record indicates and establishes the fact that the same is paid on 06.03.2022. Thus the petitioner has committed default in paying the taxes within a period of three months from its presentation. Engaging the husband of the petitioner in a scheme implemented by the Grampanchayat is evident from documents placed on record. Except bare statement of those are forged no contra material is placed on record. These factual aspects are taken into account by the Collector while allowing the complaint and

disqualifying the petitioner for remainder of the period in letter and spirit as is contemplated under Section 14(1)(g) and (h) of the Act of 1959. Equally, while endorsing the order of the Collector, the appellate authority has also concurred with the findings of fact, resultantly, the appeal is dismissed.

8. Considering the concurrent findings of fact in relation to failure on the part of the petitioner to pay the taxes within the mandatory period of three months as contemplated under Section 14(1)(h) of the Act of 1959 and further directly creating an interest in the work done under the order of the Panchayat by engaging the husband entails disqualification under Section 14(1)(g) of the Act of 1959. Resultantly, no error could be noted in the orders rendered by the authorities disqualifying the petitioner. As such, no interference is warranted by this Court under Article 227 of the Constitution of India. Hence, the petition is dismissed.

Rule is discharged. No order as to costs.

(SACHIN S. DESHMUKH, J.)

MP Deshpande