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

WRIT PETITION No. 5622 OF 2024

PETITIONER : Manoj S/o Ashok Bandawar
Age – Major, Occ. Agriculturist,
R/o Gramp Panchayat Kothari,
Tah. Mulchera, Dis. Gadchiroli

Vs.

RESPONDENTS : 1. Additional Divisional Commissioner, Nagpur Division, Nagpur

2. The Collector, Gadchiroli
Office of the Collector, Gadchiroli,
Gadchiroli, Maharashtra

3. Grampanchayat, Kothari, Through its Secretary, Tq. Mulchera,
Dist. : Gadchiroli

4. Roshani D/o Prabhakar Kusnake,
Age : Major, Occ. Private,
R/o House No. 114, Ward No. 1,
Gram Panchayat Kothari,
Tah. Mulchera, Dist. Gadchiroli

Mr. **R.K. Swami**, Advocate for Petitioner
Mrs. D.I. Charlewar, AGP for Respondent Nos.1 and 2

CORAM: SACHIN S. DESHMUKH, J.

DATED : 19th AUGUST, 2025

ORAL JUDGMENT :

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

2. The petitioner raises a challenge to the order dated 30.01.2024 rendered by respondent No.1 - Additional Divisional Commissioner, Nagpur Division Nagpur, allowing the appeal preferred by the respondent dismissing the complaint presented by the petitioner, seeking disqualification of the respondent No.4 on account of infraction with Section 14(1)(h) of the Maharashtra Village Panchayat Act, 1959 (for short, "Act of 1959").

3. The respondent was elected as a Member of Grampanchayat. The Grampanchayat in its monthly meeting had resolved to prepare the bills towards the taxes and present the same. In the wake of resolution passed by the Grampanchayat, the bills were prepared and presented.

4. On presentatation of the aforesaid bills, it was incumbent upon respondent No.4 to pay the Grampanchayat taxes within a period of ninety days, as per the mandate of Section 14(1)(h) of the Act of 1959. Once the bill towards tax is raised and presented, essentially has to be paid within a period of ninety days. Failure to

comply with the same entails disqualification as is provided under Section 14(1)(h) of the Act of 1959.

5. On account of failure to pay the said Grampanchayat taxes raised upon presentation of the bill within the prescribed period, the petitioner lodged a complaint against respondent No.4 seeking disqualification before respondent–Collector. The Collector, while hearing the complaint, called explanation of respondent No.4. Respondent No.2, after considering the fact that the bill which was presented by the concerned employee of the Grampanchayat has changed stand, issued a notice to the concerned employee and eventually recorded statement and based on the said statement, allowed the complaint for disqualifying respondent No.4.

6. Aggrieved by the order rendered by respondent-Collector, disqualifying respondent No.4 under Section 14(1)(h) of the Act of 1959, approached respondent No.1. Respondent No.1 considering the fact that the bill which was presented in relation to the taxes presented upon the father of respondent No.4, does not bear the date, as such, allowed the appeal presented by respondent No.4.

7. The petitioner raises an exception to the order rendered by respondent No.1, allowing the appeal of respondent No.4. It is submitted that a well reasoned order rendered by respondent No.2

has been upset by respondent No.1, as such, has committed serious error. Once the bill is presented, it was for respondent No.4 to pay the same within a prescribed period of ninety days to avoid an action under Section 14(1)(h) of the Act of 1959.

8. Per contra, the learned counsel for respondent No.4 has supported the order rendered by respondent No.1. It is submitted that there was no occasion for respondent No.2/the Collector to call the concerned employee and record his statement. It was for the Collector to appreciate the material on record. In absence of any particular date about presentation of the bill, it was not really open for the Collector to hold failure to pay taxes within ninety days from disqualification of respondent No.4 under Section 14(1)(h) of the Act of 1959, allow the complaint seeking disqualification of respondent No.4 and this aspect has been considered by the Commissioner, as such, no interference is warranted and prayed for dismissal of the petition.

9. After hearing the respective counsel for the litigating sides, it was a matter of record that the bill does not bear the date on which it was really presented. It was for the petitioner to establish that the bill was presented on the particular date and after expiry of ninety days, respondent No.4 would entail disqualification.

10. Nevertheless, the Collector ought to have proceeded on the material which is coming from the litigating sides, wherein the date of actual presenting the bill is not appearing. Thus, in absence of establishing the date of the presentation of the bill, there was no occasion to disqualify respondent No.4. This factual aspect is taken into account in its proper perspective by respondent No.1, while allowing the appeal and dismissing the complaint of petitioner. Resultantly, no error could be noted in the order under challenge. As such, the petition does not deserve any consideration.

11. Accordingly, the writ petition is dismissed.

12. Rule is discharged.

13. No order as to costs.

(SACHIN S. DESHMUKH, J.)

MP Deshpande

Signed by: Mr. M.P. Deshpande
Designation: PA To Honourable Judge
Date: 23/09/2025 14:22:50