



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

WRIT PETITION NO. 362 OF 2025

ABDUL WAHID KHAN ABDUL AJIJ KHAN

Vrs.

THE DISTRICT COLLECTOR, NAGPUR AND OTHERS

WITH

WRIT PETITION NO. 359 OF 2025

ABDUL WAHID KHAN ABDUL AJIJ KHAN

Vrs.

THE DISTRICT COLLECTOR, NAGPUR AND OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A. S. Deshpande, Advocate for petitioner.

Shri G. G. Saoji, Advocate for respondent No.6 in W.P.No.362/2025
and for respondent Nos.2 to 11 in W.P. No.359/2025.

Ms. D. V. Sapkal, AGP for respondent-State.

CORAM: ANIL L. PANSARE, J.

DATE : 27/02/2025.

1. Writ Petition No. 359/2025 was not on Board, but taken on Board for hearing because the issue involved in both the petitions is common.

2. On 21/01/2025, in Writ Petition No.362/2025, following order was passed :-

“1. Leave to add Additional Collector, Nagpur as Respondent No.1-A is granted. Amendment be carried out forthwith.

2. Heard.

3. The grievance is that the Respondent No.1-A – Additional Collector, Nagpur, is not giving opportunity of hearing to the petitioner. The application seeking time has been rejected.

4. I have gone through the record to find that at least in one inquiry i.e. Inquiry No.144/2023 – 2024 the opportunity is denied. The proceedings under Section 14(1)(j-1) of the

Maharashtra Village Panchayats Act, 1959, was filed on 11.07.2024. Notice came to be issued and was made returnable on 16.08.2024. The Petitioner in person appeared and sought time. The proceedings were adjourned to 17.01.2025 and on that day, counsel for Petitioner filed Vakalatnama and sought time to procure documents. The Respondent No.1-A has rejected the same and closed the matter for final order.

5. Thus, it appears that the Respondent No.1-A has hurriedly closed the matter at least in Inquiry No.144/2023 – 2024. As such, similar grievance is made in another inquiry as well.

6. Issue notice to the Respondents, returnable on 04.02.2025.

7. Ms. D. Sapkal, learned A.G.P waives notice on behalf of Respondents/State and Mr G. Saoji, learned counsel, waives notice on behalf of Respondent No.6.

8. The Petitioner shall serve the unserved Respondents by all permissible modes and file affidavit of service.

9. In the meantime, order impugned is stayed.”

3. As could be seen, the grievance is that the Additional Collector, Nagpur is not willing to give an opportunity of hearing to the petitioner.

4. The proceeding under question is under Section 14(1)(j-1) of the Maharashtra Village Panchayats Act, 1959 which would attract disqualification and thus, is a serious business. In such proceeding, it would be incumbent upon the Additional Collector to afford reasonable opportunity to the persons like petitioner.

5. The respondents could not show that reasonable opportunity was granted to the petitioner in the proceeding before the Additional Collector, Nagpur.

6. That being so, the order/s impugned in both petitions, thereby closing the matter for final Judgment is / are quashed and set aside.

7. The respondent No.1-A shall afford reasonable opportunity of hearing to the petitioner.
8. The petitioner shall file reply on or before 13/03/2025.
9. The proceeding shall be heard and decided by the Additional Collector, Nagpur, within two weeks thereafter.
10. Both petitions are disposed of in above terms. No order as to costs.

[ANIL L. PANSARE, J.]

Choulwar