



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

WRIT PETITION NO. 861 OF 2025

Suchita Chandrashekhar Padole, Age-Major,
Occ: Sarpanch, R/o Silli, Tq. & District Bhandara.

PETITIONER

VERSUS

1. The State of Maharashtra, Through the Additional Commissioner, Nagpur Division, Nagpur.
2. State of Maharashtra, The Collector, Bhandara, District Bhandara.
3. Secretary, Grampanchayat Silli, Tq. & Dist. Bhandara.
4. Talathi, Silli, Tq. & District Bhandara.
5. The Tahsildar, Bhandara, District Bhandara.
6. Ishwar Asaram Kalmbe, Age 38 years,
Occ: Agriculturist, R/o Silli, Tq. & Dist. Bhandara.

RESPONDENTS

Shri V.A. Dahiwal, counsel for the petitioner.
Shri S.B. Bissa, Assistant Government Pleader for the respondent nos.1, 2, 4 and 5.
None for the respondent no.3, though served.
Shri A.m. Kukday, counsel for the respondent no.6.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE ON WHICH ARGUMENTS WERE HEARD : DECEMBER 16, 2025

DATE ON WHICH JUDGMENT IS PRONOUNCED : DECEMBER 23, 2025

JUDGMENT

RULE. Rule is made returnable forthwith and heard finally with consent of the learned counsel for the parties.

2. The petitioner-Sarpanch of Gram Panchayat, Silli has challenged the order dated 31.01.2025 passed by the Additional Commissioner, Nagpur and consequently the order dated 24.01.2025 passed by the Collector, Bhandara disqualifying the petitioner as Member and Sarpanch of Gram Panchayat, Silli under Section 14(1)(j-3) of the Maharashtra Village Panchayats Act, 1959 (for short, the Act of 1959’).

3. The petitioner was elected as Member of the Gram Panchayat in the elections held in December-2022 and was elected as Sarpanch on 20.12.2022. After the petitioner started working as Sarpanch, the respondent no.6, the political rival of the petitioner, filed a complaint alleging that the husband of the petitioner had made encroachment on the Government land and on this basis, proceedings were initiated before the respondent no.2-Collector, Bhandara. By referring to the report of Talathi of Silli, the petitioner was held to be disqualified under Section 14(1)(j-3) of the Act of 1959. Feeling aggrieved, the petitioner filed an appeal before the Additional Commissioner, Nagpur which came to be dismissed by order dated 31.01.2025. The petitioner has challenged both these orders by way of instant petition.

4. The learned counsel for the petitioner submitted that there is no conclusive material on record about the encroachment made by the petitioner or her husband after she was elected as Sarpanch. He submitted that the inferences are drawn by the Authorities by mechanically accepting the allegations levelled by the complainant. He also submitted that the petitioner is a democratically elected woman Sarpanch and the action is initiated at the behest of her political rival. By relying on the judgment of the Hon'ble Supreme Court in *Manisha Ravindra Panpatil Versus The State of Maharashtra & Others* [Civil Appeal No.10913 of 2024], he submitted that the petition is an instance of an attempt by the political rival to somehow remove the petitioner from the post of Sarpanch of the Gram Panchayat. By inviting attention to the observations of the Hon'ble

Supreme Court, he submitted that the Authorities are not expected to consider removal of an elected public representative lightly and the impugned orders if passed in absence of conclusive material about encroachment, the same are unsustainable.

5. As against this, the learned Assistant Government Pleader for the respondent nos.1, 2, 4 and 5 as well as the learned counsel for the respondent no.6 vehemently opposed the petition. The learned Assistant Government Pleader justified the impugned orders and submitted that the Authorities have passed the orders by considering the report of Talathi and also by considering the fact that the compound wall was removed to avoid the disqualification. The counsel for the respondent no.6 submitted that the petitioner has incurred disqualification and by demolishing the compound wall, she has attempted to destroy the evidence.

6. The primary reason for the disqualification of the petitioner appears to be the alleged encroachment on property nos.919, 920 and 876. As regard, the encroachment on Government land with respect to property nos.919 and 920, the record reveals that the said properties belong to the father-in-law of the petitioner viz. Wasudeo Padole from the year 1974 and there is nothing to conclude that the petitioner or her husband have made any encroachment on these lands. As regards encroachment on property no.876, it is inferred by the Authorities that there existed encroachment on the Government land to the extent of two meters because of construction made on the said land. It is observed that the said encroachment was removed by demolishing the compound wall.

As regards the encroachment on property no.876, the Authorities have referred to a report of Talathi dated 17.10.2023 which infact mentions that there is no entry of any encroachment over the said land. The inference of demolition of the compound wall is also drawn on the basis of some information given by the villagers. Pertinent to note, although the petitioner has infact denied the allegations of encroachment, the final inferences are drawn by the Authorities only because of absence of specific denial appears to be without any basis. The report of Talathi referred by the Authorities does not conclusively show that the petitioner or her husband has committed encroachment after she was elected. There is no material in the nature of spot inspection report or otherwise to infer that the petitioner has committed encroachment rendering her disqualified under Section 14(1)(j-3) of the Act of 1959. The Hon'ble Supreme Court while considering the identical situation with respect to disqualification under Section 14(1)(j-3) of the Act of 1959 has observed that the matter of removal of an elected public representative should not be treated so lightly especially when it concerns women belonging to rural areas. In view of the above, since the Authorities have based the impugned orders on the inferences about alleged encroachment by the petitioner, I am of the firm view that there is no material on record to conclude about disqualification of the petitioner under Section 14(1)(j-3) of the Act of 1959 and the inferences drawn by the Authorities are highly disproportionate.

7. Pertinently, although the petitioner has challenged the orders passed by the Collector as well as the Additional Commissioner, however, there is no specific prayer seeking to quash the order dated 24.01.2024 passed by the Collector. In this regard, after considering the entire controversy, the order dated 24.01.2024 passed by the Collector is also required to be quashed and set aside.

8. Having regard to the above mentioned factual and legal aspects, the writ petition is allowed. The impugned orders dated 24.01.2024 and 31.01.2025 passed by the Collector, Bhandara and Additional Commissioner, Nagpur respectively under Section 14(1)(j-3) of the Maharashtra Village Panchayats Act, 1959 are quashed and set aside.

9. Rule is made absolute in aforesaid terms with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)