



1898-2025

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

WRIT PETITION NO. 1898 OF 2025

(Pratibha w/o Rajendra Makode Vs. Collector, Amravati & Ors.)

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

Court's or Judge's orders.

Mr. J.B. Kasat, Counsel for the petitioner.
Ms M.S. Naik, A.G.P for respondent no.1/State.
Mr. Gaurav Bhake, Counsel for respondent no.3/caveator.

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CORAM : ANIL L. PANSARE, J.
APRIL 5, 2025

Heard.

2] The learned Counsel for the petitioner submits that the petitioner has been disqualified as Sarpanch so also Member of Gram Panchayat – Yeoda, Taluka – Daryapur, District – Amravati, on the count that he failed to hold Gram Sabha on 26/1/2024. His disqualification is said to have been attracted in terms of Section 7 of the Maharashtra Village Panchayats Act, 1959 (for short “Act of 1959”).

3] The learned Counsel further submits that the rigor of this provision has been considered by a Co-ordinate Bench of this Court in two judgments, namely, *Gangabai Vithal Bade Vs. State of Maharashtra and others* [2013(2) Mh.L.J. 469] and *Manohar Vs. Collector, Jalna, Tq. & Dist. Jalna and Others* [2023 SCC OnLine Bom 491]. This Court has taken a consistent view that disqualification will be attracted only on failure of Sarpanch to hold four meetings in every financial year.

4] Thus, what is important is to hold four meetings of Gram Sabha in every financial year and not the specific date on which each meeting should be held.

5] The learned Counsel for the petitioner submits that though by Government Resolution, Gram Panchayat is expected to hold the first meeting of Gram Sabha on May 1, second on August 15, third on October 2 and fourth on January 26 of next year, however, merely because meeting is not held on that particular day, disqualification will be not attracted.

6] Sub-section (1) of Section 7 of the Act of 1959 provides that if four meetings of Gram Sabha, on the dates prescribed, are not held without sufficient cause, the persons, like the petitioner, may attract disqualification. The provision, thus, indicates that with sufficient cause, meeting could be postponed. Thus, strict adherence to timetable, though is expected, is not so rigid that would attract disqualification.

7] The learned A.G.P and the learned Counsel for respondent no.3 though made an attempt to justify the impugned order, they failed to come out of what has been held by the Co-ordinate Bench of this Court in the aforesaid judgments.

8] Issue notice to the respondents returnable on 5/5/2025.

9] The learned A.G.P waives notice for respondent no.1.

10] Mr. Gaurav Bhake, learned Counsel, waives notice for respondent no.3.

11] In the meantime, there shall be stay to order dated 24/2/2025 passed by respondent no.1 – Collector, in Gram Panchayat Case No. 1 Section – 7(1)/Yeoda/2024-25. Needless to say that the petitioner shall continue to remain Sarpanch till then.

12] The petitioner shall comply with practice note no. 14 of the Bombay High Court Appellate Side Rules, 1960, particularly, Clause (5) thereof.

(ANIL L. PANSARE, J.)

Sumit