



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

WRIT PETITION NO. 3116 OF 2025

1. Sarita Rajesh Pathre, Aged 35 years, Occ: Housewife.
 2. Keshav Bhaurao Vidhale, Aged 50 years,
Occ: Agriculturist.
 3. Karuna Vilas Ingle, Aged 40 years, Occ: Housewife.
- All R/o Jawala-Shahapur, Tah. Chandur Bazar,
Dist. Amravati.

PETITIONERS

VERSUS

1. Divisional Commissioner, Amravati Division,
Amravati, Tah. and District – Amravati.
2. The Chief Executive Officer, Zilla Parishad,
Amravati, Tah. and District – Amravati.
3. The Secretary, Village Panchayat Jawala-Shahapur,
Tah. Chandur Bazar, District – Amravati.
4. Sheshrao Yadavrao Ingole, Aged 50 years,
Occ – Agriculturist.
5. Nandkishore Digambarrao Thakre, Aged 45 years,
Occ: Agriculturist.
6. Akshay Sunil Pathre, Aged 32 years, Occ: Agriculturist.
7. Shardatai Damodhar Vidhale, Aged 50 years,
Occ: Housewife.
8. Vandana Raosaheb Choudhari, Aged 45 years,
Occ: Housewife.
9. Archana Sahdeorao Wankhade, Aged 47 years,
Occ: Housewife.

Nos.4 to 9 R/o Jawala-Shahapur, Tah. Chandur Bazar,
District – Amravati.

RESPONDENTS

Shri N.A. Gawande, counsel for the petitioners.
Shri N.S. Autkar, Assistant Government Pleader for the respondent no.1.
Shri B.N. Jaipurkar, counsel for the respondent no.2.
Shri S.S. Shingane, counsel for the respondent nos.4 to 9.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE ON WHICH ARGUMENTS WERE HEARD : DECEMBER 03, 2025

DATE ON WHICH JUDGMENT IS PRONOUNCED : DECEMBER 19, 2025

JUDGMENT

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

2. This petition takes exception to the order dated 18.06.2025 passed by the respondent no.1-Divisional Commissioner, Amravati Division, Amravati under Section 145(1A) of the Maharashtra Village Panchayats Act, 1958 (for short, 'the Act of 1958'). By this order, the respondent no.1 has ordered dissolution of Gram Panchayat Jawala-Shahapur, Taluka Chandur Bazar, District Amravati on account of resignation of more than 50% of the members of the Gram Panchayat.

3. Assailing the impugned order, the learned counsel for the petitioners submitted that the petitioners are the elected members of the Gram Panchayat who were elected for the tenure from 16.02.2021 to 15.02.2026. He submitted that despite resignation by six members, the remaining three members i.e. the petitioners herein are smoothly conducting the affairs of the Gram Panchayat by working as Sarpanch, Upa-Sarpanch and Member respectively and as such dissolution of the Gram Panchayat by invoking provisions of Section 145(1-A) of the Act of 1958 is absolutely unwarranted. He submitted that the position of law is settled that the provisions of Section 145(1-A) of the Act of 1958 are directory in nature as laid down by the Division Bench of this Court in ***Kavita Sakharam Chavan & Others Versus Commissioner, Konkan Division & Others*** [(2003) 2 Bom CR 821]. He submitted that ignoring the legal position, the respondent no.1 mechanically passed the impugned order to the detriment of the democratically elected members.

4. Opposing the petition, the learned Assistant Government Pleader as well as the learned counsel for the respondent nos.4 to 9 submitted that in

view of resignation of six members out of nine, the dissolution of Gram Panchayat was the only alternative. They submitted that the provisions of Section 145(1-A) are directory and empowers the Commissioner to take decision depending upon the existing fact situation. In support of his submissions, the learned counsel for the respondent nos.4 to 9 placed reliance on the judgment of the Coordinate Bench of this Court in ***Jyoti Purushottam Tembhurne & Another Versus Divisional Commissioner, Nagpur & Others*** [2016(1) Mh.L.J. 755] and submitted that in identical factual circumstances the decision of the Divisional Commissioner to dissolve the Gram Panchayat was upheld by this Court and relying on this prayed for dismissal of the petition.

5. The short controversy which falls for my consideration in this petition is whether in the wake of resignation by six members of the Gram Panchayat, dissolution of Gram Panchayat was necessitated. The elections to the Gram Panchayat were held on 15.01.2021 and undisputedly the members of the Gram Panchayat were elected for a period of five years from 16.02.2021 to 15.02.2026. During their tenure, six members out of nine tendered their resignation on the same date i.e. on 20.08.2024. The remaining three members continued working as members of the Gram Panchayat till the order dated 18.06.2025 came to be passed by the Divisional Commissioner invoking the provisions of Section 145(1-A) of the Act of 1958.

6. The position of law is settled that the provisions of Section 145(1-A) of the Act of 1958 are directory in nature conferring discretion on the

Government and it is not necessary that when majority of seats fall vacant, the Government can straightaway dissolve the Gram Panchayat. As laid down by the Division bench of this Court in ***Kavita Sakharam Chavan & Others*** (supra), it is also necessary that at the time of any such decision to dissolve the Gram Panchayat, the members of Gram Panchayat ought to be heard before taking the drastic decision of dissolution of the Gram Panchayat under Section 145(1-A) of the Act of 1958.

7. In the instant matter, after six members i.e. the respondent nos.4 to 9 tendered their resignation, they approached before the Chief Executive Officer, Zilla Parishad, Amravati and sought for dissolution of the Gram Panchayat. In response to the notice issued by the Chief Executive Officer, the parties appeared before it and after considering the entire situation, the Chief Executive Officer submitted his elaborate report dated 06.02.2025 to the Divisional Commissioner, Amravati. Pertinent to note, the report of the Chief Executive Officer records that six persons had tendered resignation on the same day on account of certain rivalry amongst two groups and has also observed that the remaining tenure of the Gram Panchayat is more than one year and dissolution of the Gram Panchayat in such situation would result in injustice to the remaining members. Apart from these observations, he had recommended for conduct of elections for the six vacant posts. Despite this report being placed before the respondent no.1, the order of dissolution of the Gram Panchayat is passed.

8. It has to be noted that even after resignation of six members, remaining three members i.e. the petitioners herein, have continued the working of Gram Panchayat for the last one year. There is no material on record to indicate any illegality or irregularity in the working of the Gram Panchayat necessitating the situation to dissolve the Gram Panchayat. Although provisions of Section 145(1-A) of the Act of 1958 confers discretion on the respondent no.1 to take a decision, it has to be noted that the decision has to be based on due consideration of the crucial factual aspects and at the same time balancing the interest of the Gram Panchayat. It has also to be noted that the elected members had a right to work as members of Gram Panchayat for their entire tenure. Merely because some of the members voluntarily resigned, could not be a reason to deprive other members from completing their tenure. In the fact and circumstances of the instant case, there is no material on record to conclude that the remaining members i.e. the petitioners herein are incapable of conducting the affairs of the Gram Panchayat. A perusal of the impugned order shows that there is no reference to any compelling reason to dissolve the Gram Panchayat and circumstances to conclude that dissolution of the Gram Panchayat was the only alternative. On a careful consideration of the entire aspects of the matter, particularly the report of the Chief Executive Officer, I am of the firm opinion that dissolution of the Gram Panchayat is not warranted.

9. Pertinent to note, the respondent nos.4 to 9 are the six members of the Gram Panchayat who had already tendered their resignation. It is

interesting to see that they have vehemently opposed the instant petition and insisted for dissolution of the Gram Panchayat. As regards the judgment of this Bench relied upon by the counsel for the respondent nos. 4 to 8 in *Jyoti Purushottam Tembhurne & Another* (supra), it has to be seen that in the facts of that case, this Court had found that after resignation of five members of the Gram Panchayat there were certain difficulties in the smooth functioning of the Gram Panchayat and by considering the facts of that case, this Court concluded in favour of dissolution of the Gram Panchayat. However, the facts of the instant case clearly show that there exists no circumstance demonstrating any kind of irregularity or illegality in the functioning of the Gram Panchayat, much less, any compelling circumstance to resort to dissolution of the Gram Panchayat. As such, the judgment relied on by the counsel for the respondent nos. 4 to 9 in *Jyoti Purushottam Tembhurne & Another* (supra) is not of any assistance to them.

10. Having regard to the overall factual and legal aspects of the case, indulgence is indeed warranted under the writ jurisdiction with the impugned order. The order dated 18.06.2025 passed by the respondent no.1-Divisional Commissioner, Amravati is quashed and set aside. The writ petition is allowed. No order as to costs. Rule is made absolute in above terms.

(PRAFULLA S. KHUBALKAR, J.)