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

WRIT PETITION NO. 3599 OF 2025

1. Nirmala Bichmaiyya Kulmethe, Aged about 52 yrs,
Occ: Sarpanch, Gram Panchayat, Jafarabad,
Tah. Sironcha, District Gadchiroli.

2. Bichmayya Yereyya Kulmethe, Aged 58 years,
Occ. Member, Gram Panchayat Jafarabad,
Tah. Sironcha, Distt. Gadchiroli.

3. Roshakka Narayan Jadi, aged about 43 years,
Occ. Member, Gram Panchayat Jafarabad,
Tah. Sironcha, District Gadchiroli. **PETITIONERS**

VERSUS

1. Additional Commissioner, Nagpur Division, Nagpur.

2. The Collector, Gadchiroli, District Gadchiroli.

3. The Secretary, Gram Panchayat, Jafarabad,
Tah. Sironcha, District Gadchiroli.

4. Saikumar Pallayya Manda, aged about 27 years,
Occ. Agriculturist, R/o At Post Tekda Tola,
Tah. Sironcha, District Gadchiroli. **RESPONDENTS**

Shri S.D. Chande, counsel for the petitioners.
Shri S.V. Narale, Assistant Government Pleader for the respondent nos.1 and 2.
Shri S.D. Zoting, counsel for the respondent no.3.
Shri A.S. Kulkarni, counsel for the respondent no.4.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : DECEMBER 11, 2025

ORAL JUDGMENT

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

2. By this petition, the petitioners who are the Sarpanch and Members of Gram Panchayat Jafarabad have raised a challenge to the order dated 27.05.2025 passed by the Additional Commissioner, Nagpur Division, Nagpur and order dated 07.03.2025 passed by the Collector, Gadchiroli

thereby disqualifying the petitioners under Section 14(1)(h) of the Maharashtra Village Panchayats Act, 1959 (for short, 'the Act of 1959'). The primary reason for disqualification of the petitioners is failure on their part to pay the Gram Panchayat taxes within the time as stipulated by law. The reason for disqualification is with respect to non-payment of taxes for the period from 25.05.2024 to 28.08.2024 for three months as observed by the Block Development Officer Panchayat Samiti in its report dated 22.01.2025. Based on this order, the Collector as well as the Additional Commissioner passed the orders disqualifying the petitioners as Sarpanch and Members of the Gram Panchayat.

3. The learned counsel for the petitioners submitted that the orders of disqualification are unsustainable since there was no demand of the taxes served upon the petitioners at any time. The petitioner nos.1 and 2 are wife and husband and are the Sarpanch and Member respectively. He submitted that the demand for taxes were never served upon the petitioners and the demand bills on which the reliance is placed by the Authorities are forged and fabricated documents. He submitted that the respondent no.3-Secretary of Gram Panchayat has prepared the forged demand bills which were never served upon the petitioners and resultantly there could be no disqualification on account of failure to pay the demand bills. He invited attention to the demand bills dated 25.05.2024 placed on record at Page nos.23, 24 and 25 and submitted that the signature of Sarpanch on these bills are forged.

4. The learned Assistant Government Pleader as well as learned counsel for the respondents vehemently opposed the petition and submitted that the demand bills were duly served upon the petitioners and their failure to pay the taxes has resulted into their disqualification. They submitted that the Authorities below have given due consideration to the allegations of forgery and non-receipt of demand bills and by relying on the report of the Block Development Officer, the impugned orders are rightly passed and no interference of any kind is warranted.

5. During course of arguments, the learned counsel for the respondent no.3-Secretary of the Gram Panchayat also produced on record copies of the bill-book containing the Office copies of the demand bills which were issued and served by the Gram Panchayat upon all the villagers. The bill-book contains total hundred receipts of Office copies showing signature of the issuing Authority and signatures/thumb impressions of the villagers on whom the bills were served. On the basis of these documents, the learned counsel for the respondent no.3 submitted that the demands were raised by the same Sarpanch on all the villagers and as such there was no question of forgery, as alleged.

6. While considering the controversy involved, it has to be seen that the main allegation is about the forgery of signature on the demand bills and the dispute about service of the demand bills on the petitioners. Apart from bare allegations about forgery there is no other material to conclude that the signature on the demand bill was forged.

7. A perusal of the Office copies of the demand bills contained in the bill-book for the year 2024-25 placed on record by the respondent no.3 shows that the bill is issued by the Sarpanch-Sachiv of the Gram Panchayat which is signed by the Sarpanch. The document of demand bills at page nos.23, 24 and 25 shows that there are same signature of Sarpanch even on these bills. The Block Development Officer has submitted his report dated 22.01.2025 categorically stating that the petitioners have failed to pay the taxes within time after service of demand bills and further observed that with respect to demand bills dated 25.05.2024 and 24.06.2024 about taxes against property and drinking water, the issue was raised in the Gram Panchayat meeting. It was discussed in the said meeting that on failure to pay the taxes within ninety days, the disqualification under Section 14(1)(h) of the Act of 1959 would be attracted. Even thereafter, the petitioners have not paid the taxes within ninety days and the same were paid on 15.01.2025 i.e. after about more than seven months. In view of this, the Block Development Officer recorded that there is violation of Section 14(1)(h) of the Act of 1959. The Authorities below have passed the impugned orders by relying upon the report of the Block Development Officer. The petitioners have failed to demonstrate any illegality or perversity with the report of the Block Development Officer. Mere allegations of forgery of the signature without support of any other clinching material are not sufficient to discard the report of the Block Development Officer.

8. Apart from this, it is clear that same signatures are appearing on the demand bills of all the villagers as seen in the bill-book placed on record. As such, the allegations of forgery only with respect to the three bills in question cannot be accepted to nullify the report of the Block Development Officer. It is thus clear that the petitioners have already incurred disqualification for failure to pay taxes within time. The reasons recorded by the Authorities below are based on the material placed before them. There is no reason to interfere with the findings of the Authorities.

9. Having regard to the above mentioned factual and legal aspects, no interference is warranted under Article 227 of the Constitution of India with the impugned order. The writ petition is accordingly dismissed with no order as to costs. Rule stands discharged.

At this stage, the learned counsel for the petitioners requests for continuation of the interim relief for four weeks from today. However, in view of the fact that in absence of any perversity with the impugned orders, it is held that the petitioners are not entitled for any relief, the request for extending the same for four weeks is rejected.

(PRAFULLA S. KHUBALKAR, J.)

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