



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No.5121/2025
Sau. Sadhana V Collector, Akola and others

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

Court's or Judge's orders

Mr. Ram Karode, Advocate for petitioner.
Mr. Mate, AGP for respondent no.1.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 08-09-2025.

Leave granted to the petitioner to amend the cause title to correct the designation of respondent no.1. Necessary amendment be carried out forthwith.

2. Heard Mr. Karode, learned Advocate for the petitioner.
3. Petitioner's challenge is to order dated 04-08-2025 passed by respondent no.1, thereby refusing permission to the petitioner to conduct cross examination of the Secretary of Gram Panchayat, Dhanora. Learned Advocate for the petitioner submits that in the proceedings for disqualification initiated at the instance of respondent no.3, the petitioner had requested for permission to cross examine the Secretary to demonstrate the illegalities in the record of Gram Panchayat and to demonstrate that there is no encroachment on the Government land by the petitioner. It is pointed out that on 06-02-2025, in the proceedings before respondent no.1, the cross examination of the Secretary had commenced and in response to a question, the cross examination

was deferred to enable the Secretary to check the position from the Gram Panchayat records. Copy of ordersheet placed on record shows that after the cross examination was postponed, the matter was adjourned on several occasions and on 09-07-2025 the matter was adjourned for 28-08-2025. It is however surprising to see that even before 28-08-2025, an order is passed on 04-08-2025 thereby refusing any opportunity to the petitioner to conduct cross examination of the Secretary. Copy of ordersheet placed on record shows that after 09-07-2025 the matter was adjourned to 28-08-2025 and the matter was not at all fixed for 04-08-2025, as such the impugned order is passed on the date on which the matter was not fixed before respondent no.1. Learned Counsel for petitioner submits that in view of this glaring illegality in the conduct of proceedings, the petitioner is deprived of valuable opportunity to conduct the cross examination.

4. In view of this, issue notice to the respondents, returnable after four weeks.

5. Learned AGP waives service of notice on behalf of respondent no.1.

6. In the meantime, ad-interim relief in terms of prayer clause (ii), which reads as under :-

"(ii) stay the further proceedings of Case No.M.VPAct-1959/Sec.14(1)(j-5)/Dhanora/07/2023-24, pending on the file of respondent no.1-learned Additional Collector,

Akola, during the pendency of present petition, in the interest of justice."

7. Learned AGP is directed to file on record the affidavit of respondent no.1, also specifically dealing with the issue as to what were the compelling circumstances for passing impugned order on 04-08-2025, even though the proceedings were not fixed on the said date.

(Prafulla S. Khubalkar, J.)