



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7764 OF 2025

PRAKASH GANGADHAR MAKURWAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. Ganpat Niranjn Chincholkar, Advocate for the Petitioner.

Mr. K. N. Lokhande, AGP for Respondents-State.

Mr. S. B. Pulkundwar, Advocate for Respondent No.3.

Mr. A. D. Sonkawade, Advocate for Respondent No.4.

Mr. S. G. Jayewar, Advocate for Respondent No.5.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 16th JANUARY, 2026.**

P.C.:-

1. The present Writ Petition takes exception to order dated 23.05.2025 passed by Divisional Commissioner, Chhatrapati Sambhajinagar in Appeal No.Ja.Kra/2024/Village Panchayat/Appeal-1/Pra.Kra. 115.

2. The petitioner moved for disqualification of respondent no.5 under Section 14(1) (g) of Maharashtra Village Panchayat Act (for short 'MVP Act') on ground that he has withdrawn amount of Rs.27800/- from Bank account of Grampanchayat. The District Collector caused enquiry into matter through Block Development Officer, Panchayat Samiti, Billoli and recorded findings that amount of Rs.27800/- was transferred to account of respondent no.5 and, therefore, respondent no.5 has incurred disqualification in terms of Section 14(1) (g) of MVP Act.

3. Aggrieved by aforesaid order of District Collector, respondent no.5 filed Appeal before Divisional Commissioner at Chhatrapati Sambhajanagar under Section 16(2) of MVP Act. The Divisional Commissioner observed that it was mistaken transfer of amount in name of respondent no.5 from account of village panchayat and said amount has been redeposited by him. As such, disqualification as contemplated under Section 14(1) (g) of MVP Act would not attract. Eventually, allowed Appeal setting aside order of disqualification passed by District Collector.

4. Mr. Chincholkar, learned Advocate appearing for petitioner would submit that there is no dispute that amount was transferred from account of village panchayat in account of respondent no.5 and he redeposited said amount after period of one year. At this stage reference can be given to Section 14 of MVP Act, particularly Clause (g) of sub-section (1), which reads thus:

“14. Disqualifications.

(1) No person shall be a member of a panchayat continue as such, who

(g) has directly or indirectly, by himself or his partner, any share or interest in any work done by order of the panchayat or in any contract with, by or on behalf of, or employment with or under, the panchayat.”

5. Bare reading of aforesaid provisions would suggest that if member of village panchayat has directly or indirectly, by himself or his partner, has interest in any work done by order of panchayat

or in any contract on behalf of panchayat, he shall incur disqualification.

6. In present case, it is nobody's case that respondent no.5 had indulged in any contract with village panchayat or had any share in any contract with village panchayat. Apparently, disqualification under Section 14(1) (g) of MVP Act would not attract in light of allegations and factual aspects emerged during enquiry. It is possible to contend that respondent no.5 had attempted to misappropriate amount, however, in such case disqualification under Section 14(1)(g) of MVP Act would not attract. Section 39 of MVP Act, which provides for removal for disgraceful behaviour or misconduct would attract in such case. However, present proceeding was not initiated in tune with aforesaid provision. In that view of matter, no interference can be caused in impugned order.

7. Needless to state here that, this order shall not be impediment for respondent/authorities to take up proceeding under Section 39 of MVP Act, if so advised against respondent no.5, which may be decided on its own merit.

8. In result, Writ Petition stands dismissed.

(S. G. CHAPALGAONKAR)
JUDGE