

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1619 OF 2026

Suvarna Vishal Desale

Age : 41 years, Occupation : Sarpanch,
R/o. Kasare, Taluka Sakri,
District Dhule

..Petitioner

VERSUS

1. The State Of Maharashtra
Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai.
2. The Collector, Dhule,
District Dhule.
3. Deputy Collector (Administration), Dhule
District Dhule.
4. Smt. Madhuri Vijay Khairnar,
R/o. Kasare, Taluka Sakri,
District Dhule.

..Respondents

WITH
CIVIL APPLICATION NO. 1925 OF 2026

1. Ulkesh s/o. Uttamrao Desale,
Age: 48 Years, Occ.: Agril,
R/o. At Post. Kasare, Tq. Sakri,
Dist. Dhule.
2. Devidas s/o. Vishnu Desale,
Age: 60 Years, Occ.: Agril,
R/o. At Post. Kasare, Tq. Sakri,
Dist. Dhule.

..Applicants

Versus

1. Smt. Suvarna Vishal Desale,
Age: 41 Years, Occ.: Household,
R/o. At Post. Kasare, Tq. Sakri,
Dist. Dhule.

2. The State of Maharashtra,
Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai-32.
3. The Collector, Dhule,
Dist. Dhule.
4. The Deputy Collector (Administration),
Dhule, Dist. Dhule.
5. Smt. Madhuri Vijay Khairnar,
Age: Major, Occu.: Household,
R/o. At Post. Kasare, Tq. Sakri,
Dist. Dhule.

..Respondents

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Advocate for Petitioner : Mr. P.R. Katneshwarkar Sr. Counsel i/b Mr.
G.N. Tirthkar

AGP for Respondent/State : Mr. S.D. Ghayal
Advocate for Respondent No.4 : Mr. Mukul Kulkarni
Advocate for Applicant/Intervenor : Mr. A.A. Khande

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CORAM : S. G. CHAPALGAONKAR, J.

RESERVED ON : MARCH 30, 2026

PRONOUNCED ON : APRIL 20, 2026

JUDGMENT :-

1. Rule. Rule made returnable forthwith and heard finally with consent of parties.
2. Present petition takes exception to order dated 23.01.2026 passed by District Collector, Dhule/respondent no.2 whereby petitioner is disqualified to hold post of Sarpanch in terms of Section 7 of Maharashtra Village Panchayat, 1959. The petitioner was directly elected as Sarpanch of Village Kasare Taluka. Sakri District

Dhule in general elections for term 2022 to 2027. The respondent no.4 made a complaint dated 30.06.2025 to District Collector alleging that petitioner failed to convene mandatory Gram Sabha meetings, hence, incurred disqualification. On 25.09.2025, petitioner was served with notice of disqualification proceeding in Application No.24 of 2025. The petitioner was called upon to remain present on 17.05.2025 before District Collector. On that day, she personally appeared. On next date of hearing, she appeared through an advocate. The Collector called a report from Block Development Officer as regards to allegations in complaint. On 16.09.2025, the District Collector passed order of disqualification relying upon report of Block Development Officer.

3. Mr. Katneshwarkar, learned senior advocate appearing for petitioner submits that petitioner was not served with copy of complaint or annexures thereto. The notice of dispute application served upon petitioner does not disclose whether proceedings were under Section 7, Section 14 or any other disqualification provision nor it specify about default pertaining to non-holding of Gram Sabha meetings. The petitioner submitted her detailed reply to dispute application and categorically denied all allegations made in complaint thereby reserving her right to file detailed reply. Lastly, hearing was conducted through video conferencing. The petitioner's advocate joined proceedings through video conferencing as directed by

Collector, however, he was not permitted to complete his submission and abruptly hearing was closed. As such, petitioner was not given sufficient opportunity of hearing. The impugned order is in gross violation of statutory provisions and principles of natural justice.

4. Mr. Katneshwarkar, learned senior advocate would further submit that the District Collector did not consider that during March-2024 to June-2024 and again between October-2024 to November-2024, the model code of conduct for parliamentary and assembly elections was enforced. During this period, Gram Sevak expressly advised not to convene Gram Sabha meeting and prepared a bogus manipulated notice dated 05.04.2024 and 04.11.2024 to show that he had instructed petitioner to conduct such meeting. In support of his contention, Mr. Katneshwarkar relies upon law laid down by this Court in following judgments :

1. ***Pratibha w/o Sanjay Hulle Vs. Additional Collector, Latur and Others*** reported in 2010 (5) Mh.L.J. 47.
2. ***Baburao Vishwanath Mathpati Vs. State of Maharashtra and Others*** reported in 1996 (1) Mh.L.J. 366.
3. ***Bhagat Ram Patanga Vs. The State of Punjab*** reported in (1972) SCC 170.
4. ***Shri Manohar Dnyaneshwar Pote Vs. The Collector, Jalna and Others*** in Writ Petition No.9427 of 2022 decided on 24.02.2023.
5. ***Vilas Sanjay Pawar Vs. Pandharinath Tukaram Kotsulwar*** reported in 2009 (1) Mh.L.J. 316.

6. ***Shubhangi Anil Gawande and Another Vs. Additional Collector, Amravati and Others*** reported in **2010 (2) Mh.L.J. 368.**

7. ***Gangabai Vithal Bade Vs. State of Maharashtra and Others*** reported in **2013 (2) Mh.L.J. 469.**

5. Per contra, Mr. Mukul Kulkarni, learned advocate appearing for respondent no.4, Mr. A.A. Khande, learned advocate appearing for applicant/intervenor and Mr. S.D. Ghayal, learned AGP appearing for respondent/State supports impugned order. Mr. Mukul Kulkarni relies upon observations of this Court in case of ***Shobhabai Devidas Chavan Vs. The State of Maharashtra and Ors. (Writ Petition No.4807/2020*** decided on **02.12.2021** and ***Pralhad Bhikaji Barkade Vs. State of Maharashtra and Ors.*** reported in **(2016) 6 All MR 721.**

6. Having considered submissions advanced by learned advocates appearing for respective parties, two important points are posed for consideration of this Court. *(i) Firstly, whether petitioner was given sufficient opportunity to defend complaint/dispute thereby serving/informing charges of proposed disqualification ? (ii) Secondly, whether petitioner has incurred disqualification in terms of Section 7 of Maharashtra Village Panchayat Act, 1959 ?* So far as first issue is concerned, undisputedly, petitioner was served with notice of disqualification initiated at the behest of respondent no.4. The copy of notice is placed on record of this Court at Exhibit-C. The notice is dated 25.09.2025. The subject is quoted to be Section 7 of

Maharashtra Village Panchayat Act, 1959. The petitioner was called upon to remain present on 07.10.2025 for hearing before District Collector. It appears that petitioner had personally appeared before Collector. On 04.11.2025, she submitted her reply stipulating that she had not received copy of complaint, however, from para 6 onwards, she took a defence that she was not permitted to participate in inquiry conducted by Block Development Officer or Chief Executive Officer. In para 8, she stipulates that there is no evidence to indicate that she failed to conduct meetings of Gram Sabha without good reasons. She denied her own statement recorded before Block Development Officer and objected contents of report. After typewritten portion in reply, handwritten portion is added stating that she has conducted Gram Sabha as contemplated under law.

7. The roznama of proceeding before District Collector depicts that on 07.10.2025, both parties were present before Collector. The respondent no.4 filed his written submissions whereas petitioner had sought time for the same. On 14.10.2025, matter was adjourned as District Collector was busy and posted on 04.11.2025. On that day, hearing was conducted on video conferencing. Perusal of impugned order depicts that petitioner's defence that she conducted meetings as contemplated under Act has been considered and rejected on the basis of report submitted by Block Development Officer as well as record submitted by Village Development Officer, which shows that

petitioner was intimated by Village Development Officer about her obligation to conduct Gram Sabha during 1st April, 2024 to 31st May, 2024. However, she put remark that Gram Sabha can be conducted on expiry of code of conduct of parliamentary elections. Similar communication is given in respect of Gram Sabha to be conducted in November-2024, January-2024 and April-May 2025. At both occasions, petitioner did not respond to Village Development Officer and advised him to fix date only after she tells him.

8. Section 7 of Maharashtra Village Panchayat Act, 1959 prescribes for meetings of Gram Sabha and disqualification to continue as Sarpanch if Gram Sabha is not conducted without sufficient cause. Sub-section (1) of Section 7 along with second proviso is produced herewith for ready reference :

“(1) There shall be held at least [four meetings] of the Gram sabha [every financial year] on such date, at such [time and place, and in such manner] as may be prescribed [and if the Sarpanch, or in his absence the Upa-Sarpanch fails without sufficient cause, to [hold [any of such four meetings he shall be disqualified for continuing as Sarpanch or, as the case may be, Upa-Sarpanch or for being chosen as such for the remainder of the term of office of the members [of the panchayat; and the Secretary of the panchayat shall also if, prima facie, found responsible of any lapse in convening such meeting, be liable to be suspended, and for being proceeded against, for such other disciplinary action as provided under the relevant rules.] The decision of the Collector on the question whether or not there was such sufficient cause shall be final]:

[Provided further that, a period of not more than [four months] shall be allowed to elapse between the two meetings of the Gram Sabha:]”

9. The careful consideration of record depicts that petitioner failed to conduct four Gram Sabha in terms of Section 7(1) of Maharashtra Village Panchayat Act. During 2024 to 2025 (April-May 2024, November 2024, January 2025 and May 2025). The record further indicates that petitioner was served with notice of disqualification proceeding under Section 7 of Maharashtra Village Panchayat Act, 1959. As such, she cannot say that she was not aware about disqualification alleged against her. Further, she filed a reply before District Collector wherein she complained that she was not served with complaint or report of Block Development Officer. Pertinently, she refers to contents of report of Block Development Officer. The report of Block Development Officer shows that petitioner's statement was recorded during course of inquiry and ultimately, there is no explanation even before this Court for non-conduct of mandatory Gram Sabha.

10. At this stage, although Mr. Katneshwarkar, learned senior advocate appearing for petitioner heavily relied upon observations of this Court in case of **Sunil Daulat Patil** (supra) and **Pratibha Sanjay Hulle** (supra), this Court finds that once petitioner was aware about disqualification proceeding initiated against her in terms of Section 7 of Maharashtra Village Panchayat Act and, in pursuance to service of

notice, she caused her appearance and tendered her reply and after engaging an advocate participated in final hearing but failed to provide explanation for non-conduct of four Gram Sabha during the year 2024-2025, she cannot succeed to avoid disqualification arising out of her failure.

11. The record indicates that when Collector solicited report from Block Development Officer, statement of petitioner was recorded where she could not provide sufficient reasons explaining failure to conduct four Gram Sabha. It is trite that Section 7 of Maharashtra Village Panchayat Act aims to bring participation of villagers in working of Gram Sabha. The democratic principles are sought to be inculcate in functioning of Gram Sabha. The Sarpanch or in his absence Upa-sarpanch, so also Village Development Officer are mandated to conduct four Gram Sabha within a financial year without gap of more than four months in two consecutive meetings. The failure to observe mandate of Section 7 would brings penalty of disqualification against Sarpanch or Upa-sarpanch, as the case may be.

12. In this backdrop, although it is expected that Sarpanch and Upa-sarpanch is served with imputations/charges in disqualification proceeding, once it is brought on record that charges or default was within knowledge of Sarpanch and sufficient opportunity was provided to him/her to explain default, there is no

reason to give leverage in favour of defaulter Sarpanch or Upa-sarpanch to avoid statutory consequences for technical reasons. In this backdrop, disqualification order passed by District Collector needs no interference in writ jurisdiction of this Court.

13. Hence, writ petition stands rejected.
14. Rule is discharged.
15. Civil Application No.1925 of 2026 stands disposed of.

(S.G. CHAPALGAONKAR, J.)