



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

**WRIT PETITION NO. 3654 OF 2026**

**MAHADEV SURESH VADAJE**

**VERSUS**

**THE STATE OF MAHARASHTRA THROUGH MINISTER STATE  
GOVERNMENT AND ORS**

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Mr. A. A. Nimbalkar h/f Mr. Shoyab Shaikh, Advocate for the  
Petitioner.

Ms. R. R. Tandle, AGP for Respondents-State.

Mr. M. S. Karad, Advocate for Respondent No.6.

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**CORAM : S. G. CHAPALGAONKAR, J.**

**DATED : 07<sup>th</sup> APRIL, 2026.**

**P.C.:-**

1. The present Writ Petition takes exception to order dated 18.03.2026 passed by Additional Divisional Commissioner, Chhatrapati Sambhajanagar in File No.2026/Grampanchayat/Appeal-2/CR-03, whereby petitioner's application to stay disqualification order dated 09.01.2026 passed by District Collector, Dharashiv has been rejected.

2. The petitioner is elected member of Grampanchayat Omerga (Chivari), Taluka Tuljapur. He was subjected to disqualification proceeding under Section 14(1)(g) of Maharashtra Village Panchayat Act (for short 'MVP Act'). The District Collector passed order of disqualifying petitioner, which is subject matter of challenge before Divisional Commissioner in Appeal filed under Section 16(2) of MVP Act. The petitioner filed application for stay

to the impugned disqualification order pending Appeal. However, same has been rejected.

3. Mr. Nimbalkar, learned Advocate appearing for petitioner submits that impugned order is passed *de-hors* principles of natural justice, as enquiry report, which is relied for disqualification against petitioner was neither served upon him nor he was given any opportunity to put up his stand during course of such enquiry conducted by Extension Officer of Panchayat Samiti. Mr. Nimbalkar would further submit that even otherwise, disqualification under Section 14(1)(g) would not attract in facts of case, as there is no allegation that petitioner has indulged in any contract directly or indirectly with panchayat.

4. Mr. Karad, learned Advocate appearing for respondent no.6 submits that since vacancy was declared, now election program is published for post of member that was held by petitioner.

5. Having considered submissions advanced by learned Advocates appearing for respective parties, this Court has no reason to enter into disputed questions of fact, which are subjudice in Appeal before Divisional Commissioner. However, on *prima facie* consideration of submissions advanced, this Court finds that Appellate Authority is required to delve into contentions raised on behalf of petitioner and record specific findings as to whether

petitioner incurs disqualification under Section 14(1)(g) of MVP Act. Till decision is given by Appellate Authority, it is necessary to protect interest of petitioner. In that view of matter, following order is passed:

**ORDER**

- a. The Divisional Commissioner, Chhatrapati Sambhajinagar is requested to expeditiously decide pending Appeal and in any case, within period of four weeks from today.
- b. Till disposal of Appeal, election program for post of member that was held by petitioner be kept in abeyance.
- c. Writ Petition stands disposed of in aforesaid terms.

**(S. G. CHAPALGAONKAR)**  
**JUDGE**

Devendra/April-2026