



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

WRIT PETITION NO.29 OF 2026

AMIT BABANRAO HAJARE

VERSUS

ADDITIONAL DIVISIONAL COMMISSIONER, NAGPUR DIVISION, NAGPUR
AND OTHERS

<i>Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders</i>	<i>Court's or Judge's orders</i>
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Mr. H.B. Bargat, Advocate for Petitioner.

Ms. P.T. Joshi, AGP for Respondent Nos.1 to 3-State.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 13th JANUARY 2026

1. Heard learned Advocate for the petitioner.
2. The petitioner's challenge is to the order dated 08.07.2025, passed by respondent No.1 Additional Divisional Commissioner, Nagpur Division, Nagpur, in the proceedings of appeal filed under Section 16(2) of the Maharashtra Village Panchayats Act, 1959, (for short, "the Act"). By the impugned order, the matter is remanded for fresh consideration to respondent No.2 Additional Collector, Nagpur.
3. Learned Advocate for the petitioner submits that the petitioner is the complainant, who has submitted a complaint against respondent No.5 Member of Gram Panchayat, demonstrating that respondent No.2 has incurred disqualification under Section 14(1)(j-3) of the Act. The proceedings were decided by respondent No.2, against which an appeal was filed before respondent No.1.

4. On perusal of the impugned order directing remand of the matter to respondent No.2 Additional Collector, it becomes clear that the matter is remanded for enabling the Additional Collector to reconsider all the contentions canvassed on behalf of the complainant. In the impugned order, it is observed that there is a report of Tahsildar about alleged encroachment, which is not properly appreciated and hence, the matter is remanded.

5. A perusal of the impugned order shows that respondent No.1 has given due consideration to the vital aspects of the matter and having felt necessary to remand the matter, it is remanded. No perversity is seen with the impugned order. Hence, no indulgence is warranted under Article 227 of the Constitution of India. Thus, the writ petition is dismissed with no order as to costs.

6. Considering the controversy involved in the matter related to the membership of Gram Panchayat, respondent No.2 Additional Collector, Nagpur, is directed to expeditiously decide the proceedings preferably within a period of three months from the date of receipt of this order.

(PRAFULLA S. KHUBALKAR, J.)

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