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

WRIT PETITION NO. 321 OF 2025

Bhagiratha w/o Shankar Atram
Vs.
The Divisional Commissioner, Amravati and Ors.

Office notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders.

Mr. A.A. Zade, Advocate for petitioner.
Ms. Sonia Thakur, AGP for respondent Nos.1 & 2/State.
Mr. Tejas Deshpande, Advocate for respondent No.4.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 07.04.2026

Heard learned counsel for the petitioner as well as learned AGP for the respondents/State.

2. The petitioner's challenge is to orders passed by the respondent Nos.1 and 2 thereby disqualifying the petitioner as member and 'Sarpanch' of the Gram Panchayat, Matharjun, Tah. Zari Jamni, District – Yavatmal under Section 14(1)(g) of the Maharashtra Village Panchayat Act, 1959 (herein after referred as 'the Act').

3. The reasons for disqualification is the payments made to the petitioner's son namely Shri Ravindra Shankar Atram, by the Gram Panchayat.

4. Learned counsel for the petitioner submits that the impugned orders disqualifying the petitioner are based on the cheque payments made to the petitioner's son Shri Ravindra Shankar Atram, which were in connection with the health camp and there is no material to demonstrate that the petitioner has got any pecuniary interest out of the said payments. He also submitted that the alleged payments cannot be a reason for disqualification and in case the amounts are received by the son of the petitioner, the same can be subject matter of the independent enquiry against the petitioner's son. By relying on judgment of coordinate Bench of this Court in Writ Petition No.5331/2008 decided on 16.03.2009, he submitted that the payments received by the son without any material to demonstrate direct advantage to the petitioner, could not attract disqualification under Section 14(1)(g) of the Act.

5. By placing reliance on judgment of Co-ordinate Bench in S*au. Jyotitai Vikas Gawande Vs. Additional Commissioner, Amravati and ors.,* in Writ Petition No.5331 of 2008, the learned counsel for petitioner submitted that an independent enquiry could be conducted against the son of the petitioner but the disqualification of the petitioner was not warranted.

6. As against this, learned AGP as well as learned counsel for respondent No.4 opposed the petition and submitted that there is sufficient material to show that several payments were made by the petitioner to her son by way of cheque which were not required to be made. By inviting attention to the report of the Secretary mentioning payments of four cheques on different occasions, it is submitted that the petitioner has incurred disqualification under Section 14(1)(g) of the Act.

7. While considering the controversy, it has to be seen that the payments made to the petitioner's son namely Shri Ravindra Shankar Atram are not disputed. The details of the payments are already mentioned in the Secretary's report and even the authorities have given due consideration to the payments made from time to time. Even though the petitioner has contended that the payment was in connection with certain health camp, the fact remains that the payments are received by the son of the petitioner in connection with works carried out by the Gram Panchayat. Section 14(1)(g) of the Maharashtra Village Panchayat Act provides for disqualification in a situation when the member of the Gram Panchayat has directly or indirectly, by himself or his partner, any share or interest in any work done by the order of Panchayat. In the instant case, undisputedly, on four occasions payments were made to the son of the petitioner by way of cheques and there is no justification by the petitioner as to why every time the payments were required to be made only through the son. These payments sufficiently shows petitioner's pecuniary interest in the work done by the Gram Panchayat. Pertinently, there is no justification by the petitioner as to why everytime payments were required to be made by the Gram Panchayat to the son of the petitioner. The details of payments have come on record through the report of the Secretary.

8. While passing the impugned orders, the respondent Nos.1 and 2 have given due consideration to the contentions canvassed on behalf of the petitioner as well as to the report of the Secretary, mentioning details of payments made to the son of the petitioner. By giving due consideration to the relevant aspects both the authorities have concurrently recorded the findings that payments were made to the son of petitioner attracting disqualification Section 14(1)(g) of the Act.

9. Perusal of the orders passed by the authorities show that due consideration is given to relevant aspects and the inferences recorded by the authorities are not at all found to be perverse warranting interference on any count.

10. Considering the peculiar facts of this case in which the payments are made by the petitioner/Sarpanch to the son, the reliance placed on the judgment in the matter of *Sau. Jyotitai Vikas Gawande Vs. Additional Commissioner, Amravati and ors. (referred supra),* dealing with different fact situation, is not of assistance to the petitioner.

11. In view of the above mentioned factual and legal aspects, no indulgence is warranted under Article 227 of the Constitution of India.

12. The writ petition is accordingly dismissed. No order as to costs.

(Prafulla S. Khubalkar, J.)