



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 4996 OF 2025

Megha Pramod Deshmukh, Age 41 Years, Occ: Sarpanch,
R/o Charangaon, Tahsil Patur, District Akola.

PETITIONER

VERSUS

1. The Additional Commissioner, Amravati Division, Amravati.
2. The District Collector, Akola.
3. The Grampanchayat Charangaon, through Secretary,
Charangaon, Tahsil Patur, District Akola.
4. Zilla Parishad, Akola, through its Chief Executive
Officer, Akola Taluka and District Akola.
5. Block Development Officer, Panchayat Samiti,
Patur, Tahsil Patur, District Akola.
6. Pooja Dhananjay Gadekar, Aged 35 years, Occ:
Housewife, R/o Charangaon, Tah. & Dist. Akola.
7. Murlidhar Kisan Kshirsagar, Aged 65 years, Occ:
Agriculturist, R/o Charangaon, Tah. & Dist. Akola.
8. Dhananjay Vinayakrao Deshmukh, Aged 52 years, Occ:
Agriculturist, R/o Charangaon, Tah. Patur, Dist. Akola
9. Aruna Gajanan Deshmukh, Aged 45 years, Occ: Housewife,
R/o Charangaon, Tahsil Patur, District Akola.

RESPONDENTS

Shri A.R. Deshpande with Shri S.D. Pundkar, counsel for the petitioner.
Ms P.T. Joshi, Assistant Government Pleader for the respondent nos.1 and 2.
Ms H.N. Jaipurkar with Shri B.N. Jaipurkar, counsel for the respondent no.4.
Shri S.D. Chopde, counsel for the respondent nos.7 and 8.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : FEBRUARY 03, 2026

ORAL JUDGMENT

RULE. Rule made returnable forthwith. Heard finally with consent of the learned counsel for the parties.

2. By this petition, the petitioner has raised a challenge to the order dated 18.08.2025 passed by the respondent no.2-District Collector Akola and the order dated 22.04.2025 passed by the respondent no.1-Additional Commissioner, Amravati Division, Amravati.

3. The petitioner was elected as Sarpanch of Gram Panchayat Charangaon, Taluka Patur, District Akola on 28.09.2022. The respondent nos.6 to 9 filed an application under Section 39(1) of the Maharashtra Village Panchayats Act, 1959 (for short, 'the Act of 1959') before the Additional Commissioner, Amravati on 11.07.2023 alleging therein that the petitioner failed to perform the duties as Sarpanch, failed to hold monthly meetings as required by law and failed to deposit the funds collected in weekly market. On the basis of this complaint, an enquiry was conducted by the Block Development Officer, who submitted its report dated 11.07.2023 and exonerated the petitioner of all the charges. In its report, the Block Development Officer recorded that the monthly meetings were held in accordance with the requirement of law. Thereafter, the report from the Chief Executive Officer was called.

On the basis of material available before it, the respondent no.1-Additional Commissioner passed order dated 22.04.2025 and observed that the petitioner failed to take the monthly meetings of September-2022, October-2022, January-2023, February-2023 and March-2023 and observed that the power to take action under Section 36 of the Act of 1959 is with the Collector, Akola and therefore directed the Collector, Akola to make necessary enquiry and with these directions, closed the proceedings. In this background, the proceedings under Section 36 of the Act of 1959 started before the respondent no.2-Collector who passed the order dated 18.08.2025 and thereby disqualified the petitioner from the post of Sarpanch, which is subjected to challenge by way of instant petition.

4. The primary contention canvassed by by the counsel for the petitioner is that the impugned order passed by the Collector is based on the directions issued by the Additional Commissioner and as such the same is without independent application of mind. He submits that while deciding the proceedings under Section 39(1) of the Act of 1959, the Additional Commissioner has passed order dated 22.04.2025 and observed therein that for failure to hold the requisite meetings, the competent authority to take action under Section 36 of the Act of 1959 is the Collector and accordingly issued directions to the Collector to take action. He submits that based on these directions, the proceedings were conducted before the Collector, who decided the same hastily. He submitted that after the proceedings were initiated before the Collector, on the first day of issuance of notices, i.e. on 23.07.2025, the Collector ordered to issue notices to the concerned and specifically directed that the next date will be the last date of hearing and accordingly by acting under the directions issued by the Additional Commissioner, hastily passed the order against the petitioner. He therefore submits that the Collector did not apply its independent mind and the impugned order is thus unsustainable on this count. He also submitted that the petitioner has conducted the requisite meetings as observed by the Block Development Officer in its report and as such, there was no material to conclude that the petitioner has incurred any kind of disqualification. He therefore prayed that the impugned orders passed by the Additional Commissioner and the Collector are liable to be quashed and set aside.

5. While opposing the petition, the learned Assistant Government Pleader as well as the counsel for the respondent nos.7 and 8 submitted that the Collector has recorded its independent findings based on the material before it and since the petitioner had failed to conduct the requisite meetings, the order of disqualification is just and proper.

6. While considering the rival contentions of the parties, it has to be seen that the impugned order dated 18.08.2025 is passed by the Collector by completely relying upon the earlier order passed by the Additional Commissioner and even the entire order passed by the Additional Commissioner is reproduced in the impugned order. In the reasoning part of the impugned order, the Collector has also observed that in accordance with the order passed by the Additional Commissioner under Section 39(1) of the Act of 1959, the inferences are recorded about failure of the petitioner to conduct requisite meetings. Apart from this, it has to be seen from the order sheet of the proceedings before the Collector that on the date of issuance of notices, i.e. on 23.07.2025, it is recorded that 'the next date will be the last date of hearing' and the matter was posted for 07.08.2025. The order sheet dated 07.08.2025 shows that only by considering the findings recorded by the Commissioner, it is inferred that the petitioner has failed to conduct the requisite meetings. As such, on the basis of these crucial aspects, it becomes clear that the Collector has passed the impugned order by remaining under the influence of the inferences recorded by the Commissioner and there is no independent application of mind.

7. It has also to be seen that while considering the proceedings under Section 39(1) of the Act of 1959, the Additional Commissioner has not disqualified the petitioner and as such the directions issued by the Additional Commissioner to the Collector, indirectly suggesting to disqualify the petitioner were unwarranted.

8. Pertinent to note, on the basis of the impugned orders, the democratically elected Sarpanch is disqualified and would be unseated, which is a drastic action attracting further severe consequences. Hence, the impugned orders are unsustainable.

9. In view of the above mentioned factual and legal aspects, the impugned orders passed by the Authorities do not stand to the scrutiny of law and the same warrants interference. Hence, the following order is passed:-

- I. The writ petition is allowed.
 - II. The order dated 22.04.2025 passed by the respondent no.1-Additional Commissioner and the order dated 18.08.2025 passed by the respondent no.2-Collector, Akola are quashed and set aside.
10. Rule is made absolute in aforesaid terms with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)