



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

WRIT PETITION NO. 5189 OF 2025

Vikas Pandurang Meshram, Age: 50 years, Occ: Agriculturist,
R/o Gram Panchayat Sev, Tah.Umred, Dist. Nagpur.

PETITIONER

VERSUS

1. The Additional Commissioner, Nagpur Division,
Nagpur.
2. The Additional Collector, Nagpur, District Nagpur.
3. Rajesh Deorao Hajare, Aged 51, Occ: Agriculturist,
R/o Gram Panchayat Sev, Tah.Umred, Dist. Nagpur.
4. Gat Gram Panchayat Sev, Tah.Umred, Dist. Nagpur,
Through its Secretary.
5. The Block Development Officer, Panchayat Samiti,
Umred, Tahsil Umred, District Nagpur.

RESPONDENTS

Shri R.N. Ghuge, counsel for the petitioner.
Ms P.T. Joshi, Assistant Government Pleader for the respondent nos.1 and 2.
Shri V.V. Dhage, counsel for the respondent no.3.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : FEBRUARY 10, 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 takes exception to the order dated 06.01.2025, passed by respondent no.2 Additional Collector, Nagpur and order dated 31.07.2025, passed by respondent no.1 Additional Commissioner, Nagpur Division, Nagpur, thereby disqualifying the petitioner from the post of Member of Gram Panchayat Sev, Taluka Umred, District Nagpur, under Section 14(1)(j-5) of the Maharashtra Village Panchayats Act, 1959 (for short, 'the Act of 1959').

3. The learned counsel for the petitioner submits that on the complaint lodged by respondent no.3, proceedings were initiated before the respondent no.2-Additional Collector, Nagpur, who has considered the report dated 12.08.2024 submitted by the Block Development Officer, Panchayat Samiti Umred. On the basis of said report, respondent no.2 inferred that there is no toilet in the petitioner's house and concluded that the petitioner has incurred disqualification. He submits that respondent No.2 has passed the impugned order by considering the unamended provisions of Section 14(1)(j-5) of the Act of 1959 and has ignored the amendment to the said provisions, which entitled the petitioner to submit 'Self Certificate' about existence of a toilet in the house. He submits that the impugned order is passed by the respondent no.2 by mechanically accepting the report of the Block Development Officer and a drastic decision of disqualification of the petitioner was taken on that basis. He submits that the appellate authority i.e. the respondent no.1-Additional Commissioner, Nagpur, has also completely relied upon the report of the Block Development Officer and by recording same reasons, even with respect to unamended provisions of Section 14(1)(j-5) of the Act of 1959, has upheld the order passed by respondent No.2.

4. In this regard, the learned counsel for the petitioner has categorically submitted that the report of the Block Development Officer was prepared behind his back without issuing any notice to the petitioner and as such, the same could not have been relied upon for arriving at any conclusion. He submits that the petitioner, who is a democratically elected Member, is

removed on the basis of impugned orders, which are unsustainable in law, being based on the report of Block Development Officer.

5. The learned Assistant Government Pleader for respondent nos.1 and 2 supported the impugned orders and submits that the orders are well reasoned and based on the material available before the Authorities.

6. The learned counsel for the respondent no.3/original complainant submits that the petitioner had earlier submitted 'Self Certificate' along with the nomination form about existence of a toilet in his house, which was a false certificate and as such, the impugned orders disqualifying the petitioner are justified. He submits that the petitioner had made a false representation that he was residing in his house and there is a toilet, which was being used. He, therefore, submits that this certificate and representation made by the petitioner at the time of nomination was found to be false and the disqualification under Section 14(1)(j-5) of the Act of 1959 got attracted.

7. While considering the rival contentions, it has to be seen that the impugned orders are passed by the Authorities by considering the report dated 12.08.2024, submitted by the Block Development Officer. A perusal of the report shows that the Block Development Officer has recorded that the mother of the petitioner viz. Smt. Vacchala Pandurang Meshram had a house in the said village, which is in dilapidated condition and the toilet of that house cannot be considered to be usable. He has also mentioned that the petitioner is not owning any house in Mouja Sev. On

the basis of this report, the Authorities have straightway concluded that there is no toilet in the petitioner's house and the declaration given by the petitioner is false.

8. It has to be noted that, while arriving at the conclusion, the Authorities have considered the unamended provisions of Section 14(1) (j-5) of the Act of 1959, which are also reproduced in the impugned order. Apart from this, a perusal of the report of the Block Development Officer clearly shows that there is nothing to indicate that any notice was given to the petitioner at the time of the spot inspection. As such, the contention of the petitioner that the report was prepared behind his back has got substance. Pertinent to note, the petitioner is a democratically elected Member and the action of disqualification is ordered against him on the basis of report of the Block Development Officer, which is clearly prepared without any notice to him and behind his back. On the basis of said report, a drastic decision to disqualify the petitioner is ordered by the respondent no.2.

9. It is pointed out that in an identical matter, with respect to disqualification of the wife of the petitioner as Sarpanch of the same Gram Panchayat, this Court has passed the judgment dated 10.02.2026 in Writ Petition No.5189 of 2025 and the identical impugned orders are quashed and set aside. Since the controversy involved in both these petitions is based on the same documents, including the reports of the Block Development Officer, there is no reason to take a different view.

10. A perusal of the order passed by the appellate authority i.e. respondent no.1 shows that the order is passed mechanically without recording any independent reasons and even the reasoning part in the order shows that the reasoning recorded by respondent No.2 is mechanical.

11. Having regard to the overall factual and legal aspects, I am of the considered opinion that the drastic decision of disqualifying the petitioner on the basis of report of Block Development Officer, which appears to have been prepared behind back of the petitioner, does not stand to the scrutiny of law. Therefore, the impugned orders deserve to be quashed and set-aside. Hence, the following order is passed:-

I. The writ petition is allowed.

II. The order dated 06.01.2025 passed by the respondent no.2- Additional Collector, Nagpur and order dated 31.07.2025 passed by the respondent no.1-Additional Commissioner, Nagpur Division, Nagpur are quashed and set aside.

12. Rule is made absolute in aforesaid terms with no order as to costs.

13. At this stage, the learned counsel for the respondent no.3 requests for continuation of order of *status quo* for a period of four weeks so as to enable the respondent no.3 to file appropriate proceedings before the Hon'ble Supreme Court.

14. Having regard to the fact that the interim order of *status quo* was operating till today, same shall continue to operate for a period of four weeks from the date of uploading of this order.

(PRAFULLA S. KHUBALKAR, J.)

APTE