



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

WRIT PETITION NO. 5195 OF 2025

Nanda W/o. Vikas Meshram,
Age : 48 Years,
Occu. : Sarpanch, Gat Gram Panchayat Sev,
R/o. Village Sev, Tq. Umred,
Dist. Nagpur.

.... Petitioner

VERSUS

- 1) The Additional Commissioner,
Nagpur Division, Nagpur.
- 2) The Additional Collector,
Nagpur, Dist. Nagpur.
- 3) Priyanka Parag Chahande,
Age : 30 Years, Occu. : Household,
R/o. Gram Panchayat Sev,
Tq. Umred, Dist. Nagpur.
- 4) Gat Gram Panchayat Sev,
Tq. Umred, Dist. Nagpur,
Through its Secretary.
- 5) The Block Development Officer,
Panchayat Samiti Umred,
Tq. Umred, Dist. Nagpur.

.... Respondents

....

Advocate for Petitioner : Mr. R.N. Ghuge
AGP for Respondent Nos.1 & 2-State : Mr. H.R. Dhumale
Advocate for Respondent No.3 : Mr. V.V. Dhage

....

CORAM : PRAFULLA S. KHUBALKAR, J.

Dated : 29th JANUARY 2026

ORAL JUDGMENT :

1. Heard.

2. **Rule.** Rule is made returnable forthwith and by consent of learned Advocates appearing for the parties, the petition is taken up for final disposal.

3. 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 Sarpanch of Gram Panchayat Sev, Tq. Umred, Dist. Nagpur, under Section 14(1)(j-5) of the Maharashtra Village Panchayats Act, 1959 (for short, "the Act").

4. Learned Advocate for the petitioner submits that on the complaint lodged by respondent No.3, the proceedings were initiated before respondent No.2 Additional Collector, Nagpur, who has considered the report dated 12.08.2024, submitted by Block Development Officer of 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 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 respondent No.2 by mechanically accepting the report of 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. respondent No.1 Additional Commissioner, Nagpur, has also completely relied upon the report of Block Development Officer and by recording same reasons, even with respect to unamended provisions of Section 14(1)(j-5) of the Act, has upheld the order passed by respondent No.2.

5. In this regard, learned Advocate for the petitioner has categorically submitted that the report of Block Development Officer was prepared without issuing any notice to the petitioner and behind back of the petitioner and as such, the same could not have been relied upon for the purpose of arriving at any conclusion. He submits that the petitioner, who is a democratically elected Sarpanch, is removed on the basis of impugned orders, which are unsustainable in law, being based on the report of Block Development Officer.

6. Learned AGP 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.

7. Learned Advocate for 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 her 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 the petitioner was residing in her 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 got attracted.

8. 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-in-law 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.

9. 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, which are also reproduced in the impugned order. Apart from this, a perusal of the report of Block Development Officer clearly shows that there is nothing to indicate that any notice was given to the petitioner at the time of said spot inspection. As such, the contention of the petitioner that the report was prepared behind her back has got substance. Pertinent to note that the petitioner is a democratically elected woman Sarpanch and the action of disqualification is ordered against her on the basis of report of Block Development Officer, which is clearly prepared without any notice to the petitioner and behind back of the petitioner. On the basis of said report, a drastic decision to disqualify the petitioner is ordered by respondent No.2.

10. It is appropriate to refer to the judgment of the Hon'ble Supreme Court in the case of *Manisha Ravindra Panpatil Vs. State of Maharashtra and Others*, [2025(1) Mh.L.J. (S.C.) 1], wherein it is observed that the matter of removal of an elected public representative should not be treated so lightly, especially when it

concerns women belonging to rural areas. It must be acknowledged that these women who succeed in occupying such public offices, do so only after significant struggle. In this vein, the concerned authorities need to sensitize themselves and work towards creating a more congenial atmosphere where women, such as the appellant, can prove their worth by rendering their services as Sarpanch of the Gram Panchayat. In view of these pertinent observations of the Hon'ble Supreme Court, a democratically elected member of Gram Panchayat has to be protected from frivolous complaints about her disqualification.

11. 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.

12. 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, following order is passed.

ORDER

- I) The writ petition is allowed.
- II) 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, are quashed and set-aside.
- III) Rule is made absolute in the above terms.
- IV) No order as to costs.

13. At this stage, learned Advocate for respondent No.3 requests for continuation of order of status quo for a period of four weeks, to enable 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 operate for a period of four weeks from the date of uploading of this order.

[PRAFULLA S. KHUBALKAR]
JUDGE

asd