



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

WRIT PETITION NO.5370 OF 2025

Gram Panchayat Gatta, Vs. State of Maharashtra and Others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mrs. Maira Ateeb, Advocate for the Petitioner (Through V.C.).
 Mr. H.R. Dhumale, AGP for the Respondent Nos.1, 2 and 4/State.
 Mr. A.M. Kukday, Advocate for Respondent No.4.

CORAM: PRAFULLA S. KHUBALKAR, J.

DATED : 04th FEBRUARY, 2026

1. Heard learned counsel for the petitioner as well as learned counsels for the respondents.
2. By this petition, the petitioner-Gram Panchayat Gatta has challenged the Order dated 10.06.2025 passed by respondent No.2-Collector, Gadchiroli to the extent of Clause "3" of the operative portion of the order, declaring that the tenure of Gram Panchayat Gatta, Taluka Attapalli, District Gadchiroli came to an end on 26.02.2023.
3. Learned counsel for the petitioner submits that the impugned order came to be passed in the proceedings initiated by the respondent No.5 in this petition, seeking disqualification of the members of Gram Panchayat under Section 10(1)(a) of the Maharashtra Village Panchayat Act, 1959 (for short "the Act"), for failure to submit the caste-validity certificates.
4. It has to be noted that while deciding the said controversy, the respondent No.2 has although decided the

issue about disqualification of the other members, however, it is also observed in para No.3, the term of the Gram Panchayat has come to an end on 26.02.2023. It is pointed out that this declaration by respondent No.2 is contrary to the provisions of Section 28(1) of the Act, which specifically provides that the term of elected members of the Gram Panchayat shall be deemed to commence on the date of first meeting of the Panchayat.

5. It is pointed out by the learned counsel for the petitioner that the first meeting of the Panchayat was held on 17.02.2021 and the term of five years would continue till 16.02.2026. In support of her submissions, she has also relied on provisions of Article 243(e) of the Constitution of India, dealing with the duration of panchayats, which also provides that the term of the Panchayat shall be five years from the date of its first meeting.

6. There is no dispute to all these aspects by the counsels for respondents. As such, it is clear that the declaration made by the respondent No.2 about tenure of the Gram Panchayat Gatta having come to an end on 26.02.2023 is without any basis and unsustainable. It is also pointed out that as a consequence of this declaration, the Chief Executive Officer, Zilla Parishad, Gadchiroli has passed the Order on 09.09.2025, by which an Administrator is appointed for conducting the Affairs of the Gram Panchayat.

7. Learned AGP appearing on behalf of respondent Nos.1, 2 and 4 also pointed out the legal position with respect to the provisions of Section 28 of the Act, and Article 243(e) of the Constitution of India.

8. Having regard to the above mentioned factual and legal aspects, I am of the firm opinion that the order passed by the respondent No.2 declaring that the term of Gram Panchayat has come to an end on 26.02.2023 is unsustainable in law and clause “3” of the Order dated 10.06.2025 passed by the respondent No.2 is thus, quashed and set-aside.

9. Needless to state that the consequential order dated 09.09.2025 passed by the Chief Executive Officer, Zilla Parishad, Gadchiroli about appointment of the Administrator is also unsustainable.

10. In view of this, the writ petition is **allowed** with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)

Privel