



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

WRIT PETITION NO. 1197 of 2026

Sau. Lumbini Mahesh Kalare

vs.

The Additional Commissioner, Nagpur Division, Nagpur and ors.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Bhojraj Dhandale, Advocate for petitioner.
Mr. J. Y. Ghurde, AGP for respondent no. 1.

CORAM :- ANIL S. KILOR and RAJ D. WAKODE, JJ.

DATE :- 9th FEBRUARY, 2026.

Heard Shri Bhojraj Dhandale, the learned counsel for the petitioner.

2. The petitioner seeks challenge to the impugned order dated 02.02.2026 passed by the respondent no.1-Additional Commissioner, Nagpur Division, Nagpur, in Case No. 39(1)/39/2025-26.

3. Shri Dhandale, the learned counsel, submits that the petitioner is a Sarpanch of Gram Panchayat Chacher, Tahsil Maouda, District Nagpur. The respondent no.3 has submitted a complaint to the respondent no.2-Chief Executive Officer, Zilla Parishad, Nagpur. Accordingly, the respondent no.2 has conducted an enquiry in the aforesaid complaint and had submitted the Enquiry Report adverse to the petitioner on 01.12.2025.

4. The learned counsel for the petitioner submits that the aforesaid enquiry is vitiated for non-compliance of the principles of natural justice and also for non-submission of the documents, which were relied upon by the Authority in the aforesaid enquiry, to the petitioner though the request has been made by the petitioner. Thus, the petitioner has filed an application which is at record page 52-

Annexure-7 dated 02.02.2026. The petitioner by virtue of the said application had raised preliminary objection as to the aforesaid enquiry report alleging violation of the principles of natural justice. The learned counsel submits that the respondent no.1 has to decide the aforesaid preliminary objection first on the ground of vitiation of the aforesaid enquiry. However, the respondent no.1 instead of deciding the aforesaid application and the preliminary objection raised by the petitioner, has passed the impugned order on 02.02.2026 thereby holding that the aforesaid preliminary objection will be decided at the time of final hearing.

5. The fact remains that if the entire enquiry report submitted by the respondent no.2 is vitiated for non-compliance of the principles of natural justice as alleged by the petitioner in the preliminary objection, the issue as regards merits of the aforesaid enquiry proceedings will not be gone into.

6. In view of above, we dispose of the present writ petition with a direction to the respondent no.1 to decide the preliminary objection raised by the petitioner on 02.02.2026, vide application which is at record page 52-Annexure-7, first. Once the said application is decided and the enquiry is found to be fair and proper then, the respondent no.1 can proceed with the matter on merits.

7. The writ petition is disposed of accordingly. No order as to costs.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)

Andurkar.