



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

WRIT PETITION NO.2215 OF 2026

Prakash Punjaramji Pendhe

Vs.

Additional Collector, Yavatmal 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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Mr. Devdutt Gawande, Advocate for the Petitioner.

Mr. A.S. Fulzele, AGP for the Respondent Nos.1/State.

Ms. R.S. Kabra, Advocate for Respondent No.3.

Mr. J.S. Wankhede, Advocate for Respondent No.4.

CORAM: PRAFULLA S. KHUBALKAR, J.

DATED : 20th APRIL, 2026

1. Heard learned counsel for the petitioner as well as learned counsels for respondents.

2. The petitioner's challenge is to the Order dated 12.02.2026 passed by the respondent No.1-Additional Collector, Yavatmal, thereby, allowing the application filed by the respondent No.4 under Section 36 of the Maharashtra Village Panchayat Act, 1959 (for short "the Act") and disqualifying the petitioner from the post of Member of the Gram Panchayat, Bitargaon (Bk), Taluka Umarkhed, District Yavatmal.

3. The primary contentions canvassed on behalf of the petitioner is that the disqualification under Section 36 has been ordered against the petitioner by mainly observing that the petitioner who was working as Upa-Sarpanch at the relevant time, had failed to hold meetings for the months of August, October and December, 2023.

4. It is submitted that the petitioner who was working as Upa-Sarpanch of Gram Panchayat Bitargaon (Bk), had in-fact

convened the meetings of aforesaid months, however, the meetings were not held on account of several reasons. It is therefore, submitted that the petitioner cannot be faulted for not holding the meetings, particularly when he had convened them for the aforesaid months. To highlight this submission, learned counsel for the petitioner invites my attention to three documents, which are in the nature of letters/communications to the Secretary of the Gram Panchayat Bitargaon (Bk), Taluka Umarkhed, District Yavatmal, for convening the meetings of months August, October and December, 2023, which are at page Nos.51, 55 and 57 to the instant petition. On the basis of these documents, learned counsel for the petitioner submits that the petitioner has substantially complied with the requirement of convening the meetings and as such, he cannot be disqualified. He further submits that the authorities have misdirected themselves by concluding, on the basis of reports of the Block Development Officer that meetings were not held.

5. In support of his submissions, he relied upon a judgment of the Coordinate Bench of this Court in the matter of ***Mangala W/o. Dhanraj Kalbande Vs. State of Maharashtra and Others*** in ***Writ Petition No.2932/2010*** decided on ***08.09.2010***.

6. The petition is opposed by the respondents by submitting that the petitioner failed to hold three meetings for the aforesaid months and has incurred disqualification. It is submitted by the respondents that there is no record to show that meetings were held or even convened. It is submitted that the Block Development Officer has already conducted the necessary enquiry and submitted a report, on the basis of which, the impugned order was passed. As such, no interference is warranted with the impugned order.

7. The petitioner's contention is that the petitioner who was working as Upa-Sarpanch has in-fact convened the meetings, as can be seen from the communications dated **10.08.2023** (Page No.51), **21.10.2023** (Page No.55) and **07.12.2023** (Page No.57). The enquiry report conducted by the Block Development Officer is only on the issue as to whether the meetings were held or not. The report dated 07.01.2026 of the Block Development Officer does not consider the aforesaid communications issued by the petitioner for convening the meetings and there is a cursory observation that whether the meetings were convened or not is not clear.

8. Apart from this, even the impugned order records the final observation that the petitioner has convened the meetings, but there is no entry about the meetings being held for the aforesaid months in the proceedings book. As such, the primary issue is whether the petitioner who was working as Upa-Sarpanch has complied on its part and discharged the duty of convening the meetings. The impugned order refers to the aforesaid three communications and in this regard the respondent No.1 has inferred that only because there are different dispatch numbers, the documents appear to be incorrect and unbelievable. It has to be noted that the communications are with respect to different periods i.e. three different months and merely on the basis of dispatch numbers, inferences about the documents being unbelievable cannot be drawn.

9. Apart from this, the said communications are not at all considered by the Block Development Officer and as such, the final conclusion about the petitioner having incurred disqualification cannot be drawn. It has to be noted that the decision to disqualify the democratically elected person is drastic, having serious

consequences and therefore, necessary enquiry ought to have been conducted by considering all the relevant documents.

10. A perusal of documents on record, the enquiry report of the Block Development Officer and the impugned order shows that the necessary enquiry with respect to the aforesaid three communications was not conducted and final inferences are drawn, resulting into disqualification of the petitioner. Hence, it is desirable that a proper enquiry is conducted through competent authority giving due consideration to the aforesaid three communications, showing that meetings were convened by the petitioner i.e. Upa-Sarpanch of Gram Panchayat Bitargaon (Bk). Since, the impugned order was passed without giving due consideration to the aforesaid communications, the same deserves to be quashed and set-aside and the matter needs to be remanded. Hence, I pass the following Order :-

ORDER

(i) Order dated 12.02.2026 passed by the respondent No.1-Additional Collector, Yavatmal, in GP Case No.4/36/2025/G P Botargaon/Tq. Umarkhed, Dist : Yavatmal is quashed and set-aside.

(ii) The matter is remanded to respondent No.1-Additional Collector, Yavatmal, for considering the application afresh. It is directed that respondent No.1-Additional Collector, Yavatmal, is entitled to hold afresh enquiry through a Competent Officer to ascertain whether the three meetings were convened by petitioner at the relevant time.

(iii) The respondent No.1-Additional Collector, Yavatmal, is also directed to pass final order by giving due consideration to the judgment passed in the case of *Mangala Kalbande (supra)*.

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

(PRAFULLA S. KHUBALKAR, J.)

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