



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

**WRIT PETITION NO.4621/2026**

**Sau. Lumbini Mahesh Kalare**

**...Versus...**

**The Additional Commissioner, Nagpur Division, Nagpur and others**

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

Court's or Judge's orders

Mr. Bhojraj Dhandale, Advocate for petitioner  
Mrs. D.V. Sapkal, AGP for respondent No.1

**CORAM : ROHIT W. JOSHI, J.**

**DATE : 12/06/2026**

1. Issue notice to the respondents, returnable on 29/06/2026.
2. Assistant Government Pleader Mrs. D.V. Sapkal waives service of notice for the respondent No.1.
3. The petitioner is directed to serve rest of the respondents by speed post in addition to regular mode of service and file affidavit of service on record before the returnable date.
4. The petitioner is aggrieved by the order dated 06/04/2026, passed by the Additional Commissioner, Nagpur Division, Nagpur in V.P.A. 39(1) Case No.39/2025-26, Gram Panchayat, Chacher. The petitioner is a Sarpanch of Gram Panchayat, Chacher. Proceeding under Section 39 of the Maharashtra Village Panchayats Act, 1959 (for short hereinafter referred to as "M.V.P. Act") is initiated against her for removal from office. The Commissioner directed the Chief Executive Officer to conduct enquiry and furnish report as per proviso to Section 39 (1) of the M.V.P. Act. The proviso to

Section 39 (1) of the M.V.P. Act states that the Chief Executive Officer shall furnish report after affording reasonable opportunity of hearing to the Sarpanch.

5. In the present case, the matter came up before the Chief Executive Officer for the first time on 16/10/2025. On the said date, the petitioner moved an application for providing copy of application along with accompanying documents.

6. The learned Advocate for the petitioner states that the documents were not provided to the petitioner. Hearing before the Chief Executive Officer was adjourned to 10/11/2025. The petitioner requested for time to file reply. She was granted time of three days to furnish reply and the matter was closed for order by the Chief Executive Officer. Reply is not filed by the petitioner before the Chief Executive Officer. According to learned Advocate for the petitioner, copies of application and relevant documents were not supplied. The petitioner has raised this issue with the Chief Executive Officer vide communications dated 13/11/2025 and 24/11/2025.

7. The Chief Executive Officer furnished enquiry report dated 01/12/2025, stating that case for removal under Section 39 (1) of the M.V.P. Act was made out. The petitioner moved an application before the Additional Commissioner requesting to decide the issue of legality of enquiry report, furnished by the Chief Executive Officer as a preliminary issue. The said application was rejected vide order dated 02/02/2026. The said order was assailed before Division Bench of this Court vide Writ Petition No.1197/2026. The

petition came to be disposed of with a direction to decide the issue pertaining to legality of enquiry report as a preliminary issue. The Additional Commissioner has decided the said issue vide order dated 06/04/2026 holding that the petitioner did not file reply despite adequate opportunity and as such, the preliminary objection was liable to be rejected.

8. Perusal of the order dated 06/04/2026 does not indicate that copies of application and documents were provided to the petitioner before furnishing the enquiry report dated 01/12/2025. Likewise, it is also apparent from the order-sheet, maintained by the Chief Executive Officer that the enquiry report is prepared without hearing the petitioner. Even if, the reply was not filed, opportunity of hearing ought to have been granted. The petitioner, has, thus made out a *prima facie* case to assail the impugned order dated 06/04/2026.

9. It must also be stated that the petitioner has made a statement in paragraph 10 of the petition that order dated 06/04/2026 was not communicated to her immediately and that copy of order was received somewhere in the midst of May, 2026. It is further stated that the father-in-law of the petitioner was critically ill at the relevant time and has left for his heavenly abode on 06/06/2026.

10. In view of the aforesaid, the proceedings in V.P.A. 39(1) Case No.39/2025-26, Gram Panchayat, Chacher (Shri Vikas Purushottam Zade and others Vs. Sou. Lumbini Mahesh Kalare and others) are stayed till the next date.

**(ROHIT W. JOSHI, J.)**