

Manisha Ravindra Panpatil
v.
The State of Maharashtra & Ors.
(Civil Appeal No. 10913 of 2024)
27 September 2024
[Surya Kant and Ujjal Bhuyan, JJ.]

Issue for Consideration

Appellant-Sarpanch was removed from office on the allegations of encroachment of government land by her. Whether the disqualification of the appellant was justified.

Headnotes[†]

Women representatives in elected bodies – Prejudicial treatment at all levels of administrative functioning, deprecated – Allegations made by the private respondents as regards encroachment of government land by the appellant, a female Sarpanch – Mechanical orders passed by authorities, appellant removed from office – Removal affirmed by High Court – Justification:

Held: There is no credible and convincing material on record to substantiate the allegations of encroachment of government land by the appellant before or post her election as Sarpanch – Nature of allegations and the consequential removal from the office of Sarpanch, highly disproportionate – Matter of removal of an elected public representative should not be treated so lightly, especially when it concerns women belonging to rural areas – Impugned order set aside – Appellant to continue and perform the duties of Sarpanch of the Gram Panchayat till the completion of her tenure. [Paras 10-12]

List of Keywords

Sarpanch; Women representatives; Female Sarpanch; Disqualification; Removal from office; Private respondents; No professional misconduct; Encroachment of government land; Punishment disproportionate; Mechanical/summary orders; Women empowerment.

Manisha Ravindra Panpatil v. The State of Maharashtra & Ors.**Case Arising From**

CIVIL APPELLATE JURISDICTION: Civil Appeal No. 10913 of 2024

From the Judgment and Order dated 03.08.2023 of the High Court of Judicature at Bombay at Aurangabad in WP No. 4577 of 2023

Appearances for Parties

Sudhanshu S. Choudhari, Sr. Adv., Vatsalya Vigya, Ms. Gautami Yadav, Ms. Pranjal Chapalgaonkar, Ms. Sapna Sinha, Akshay Sinha, Advs. for the Appellant.

Prashant Shrikant Kenjale, Shirang B. Varma, Siddharth Dharmadhikari, Aaditya Aniruddha Pande, Bharat Bagla, Sourav Singh, Aditya Krishna, Ms. Preet S. Phanse, Adarsh Dubey, Advs. for the Respondents.

Judgment / Order of the Supreme Court**Order**

1. Leave granted.
2. Heard learned counsel for the parties.
3. The appellant is an elected Sarpanch of Gram Panchayat, Vichkheda situated in Jalgaon District of Maharashtra. She contested in the panchayat elections and won in February, 2021. A dispute subsequently arose between the appellant and respondent nos. 5 to 7 (hereinafter referred as '*the private respondents*'), who sought her disqualification on the ground that she was allegedly residing with her mother-in-law in a house erected upon government land. The appellant however, had vehemently contended that she does not reside in that particular dwelling, and that she lives separately with her husband and children in a rented accommodation. She further contended that the concerned dwelling was in such a dilapidated condition that it could not be inhabited.
4. However, without appropriately verifying these factual issues and on the basis of bald statements, the concerned Collector passed an order disqualifying the appellant from continuing as Sarpanch. This order was thereafter confirmed by the Divisional Commissioner. Subsequently, the High Court *vide* the impugned order, dismissed

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the appellant's writ petition against the Commissioner's order on a technical ground, thus putting a seal of approval on her removal from office.

5. This seems to us a classic case where the residents of the village could not reconcile with the fact that the appellant, being a woman, was nevertheless elected to the office of the Sarpanch of their village. They were perhaps further unable to come to terms with the reality that a female Sarpanch would make decisions on their behalf *de jure* and that they would have to abide by her directions.
6. It is patently obvious that these were the primary motivations which led the private respondents to initiate their orchestrated efforts towards the removal of the appellant, from her duly elected position. Having found no instance of professional misconduct on the part of the appellant that they could etch away at, the private respondents instead embarked on a mission to cast aspersions upon the appellant, by any means necessary. This initiative was undertaken by them, with the intention of securing her removal from public office.
7. Though the private respondents grasped at straws in their bid to evict the appellant from her position, their cause was perhaps aided by the mechanical and summary orders passed by government authorities, at various levels. These orders were passed in a lackadaisical manner, without making any effort towards conducting a fact-finding exercise, so as to confirm whether the allegations levied by the private respondents were sufficiently made out. There is nothing on record to suggest that any objection of the appellant's family having encroached upon government land was ever raised when she filed her nomination papers.
8. At this juncture, we would like to note that the vagaries of the present factual matrix is far from unique and is unfortunately somewhat of a norm. While there is no doubt in our mind that the private respondents may have operated in a discriminatory manner, what is more worrying is the casual approach adopted by government authorities in summarily removing an elected representative. This is all the more concerning when the representative in question is a woman and elected in the reservation quota, thereby indicating a systemic pattern of prejudicial treatment, permeating through all levels of administrative functioning.

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9. This scenario gets further exacerbated when we as a country are attempting realize the progressive goal of gender parity and women empowerment across all spheres, including public offices and most importantly adequate women representative in the elected bodies, such instances at the grass-root level cast a heavy shadow on any headway that we may have achieved.
10. That being said and having regard to the facts and circumstances of the case at hand, we see no credible and convincing material on record to substantiate the private respondents' allegations of encroachment of government land by the appellant before or post her election as Sarpanch. All that we would like to reiterate is 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.
11. 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.
12. In our considered view, the nature of allegations and the consequential punishment awarded to the appellant, namely, her removal from the office of Sarpanch, is highly disproportionate.
13. For the reasons afore-stated, the appeal is allowed. The impugned order dated 03.08.2023 passed by the High Court is set aside. The appellant, in whose favour stay had already been granted, shall be allowed to continue and perform the duties of Sarpanch of the Gram Panchayat till the completion of her tenure.
14. Ordered accordingly.

Result of the Case: Appeal allowed.

[†]Headnotes prepared by: Divya Pandey