

Dusane

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5776 OF 2023

Sujata Santosh Sawant ...Petitioner

V/s.

The State of Maharashtra ...Respondents
thru' the Hon'ble Minister Village
Development & Panchayatraj & Ors.

Mr. Atul Damle, Senior Counsel with Mr. Vivek Patil,
B.D. Shinde and Devesh Sawant i/by Mr. Vivek Patil
& Associates for Petitioner.

Smt. M.S. Srivastava, AGP for State of
Maharashtra.

Mr. A.S. Khandeparkar, Senior Counsel a/w Mr.
Sangram Desai, Mr. Rushikesh G. Bhagat, Rohit P.
Mahadik, Mr. Vaibhav Kulkarni, Apoorva
Khandeparkar, Farhan Shaikh, Saurabh Mittal i/by
Khandeparkar & Associates for Respondent No. 4.

CORAM: MADHAV J. JAMDAR, J.
DATE: 22nd August 2023

JUDGMENT:

1. In the present petition, filed under Article 226 of the Constitution of India, the Petitioner is challenging the legality and validity of the order dated 18th October 2022 passed by the Divisional Commissioner, Konkan Division, Navi Mumbai as well as the legality and validity of the order dated 29th March 2023 passed by Hon'ble Minister, Rural Development, Maharashtra

State. The Commissioner by impugned order dated 18th October 2022 by exercising power under Section 39(1) of the Maharashtra Village Panchayat Act, 1959 (hereinafter referred to as the "**Said Act**") removed the Petitioner from the office of Sarpanch. By the impugned order dated 29th March 2023, the Hon'ble Minister, Rural Development, Maharashtra State has not only dismissed the Appeal filed by the Petitioner under Section 39(3) of the said Act but has also removed the Petitioner from the membership of Grampanchayat, Bhirvande, Taluka Kankavali.

2. Mr. Damle, learned Senior Counsel appearing for the Petitioner submitted that the act which has been alleged against the Petitioner can not be treated as misconduct. It is his submission that the Petitioner has candidly accepted the mistake and as the same is merely negligence, it cannot be termed as misconduct as contemplated under Section 39 of the said Act. He pointed out various documents on record including Form No. 23 to support his contention that the alleged act is merely a mistake or negligence and is not misconduct. He relied on the decision of the Supreme Court in the case of **Ravi Yashwant Bhoir Vs. District Collector, Raigad & Ors.**¹. He also relied on the decision of a Single Judge of this Court, in the matter of

¹ (2012) 4 Supreme Court Cases 407

Rajendra s/o Radhakisan Raut Vs. State of Maharashtra & Ors.², and another judgment of learned Single Judge in the matter of **Prabhakar Dhonge and Ors. Vs. Harichandra s/o Santoshrao Aaswale**³.

3. On the other hand, it is the submission of Mr. Khandeparkar, learned Senior Counsel appearing for Respondent No.4 that the act alleged against the Petitioner is that she issued a certified copy of Form No. 23 although said Form No. 23 is not in the record of Gram Panchayat. Therefore, he submitted that the same cannot be called as mere negligence and same is a grave misconduct. He submitted that the same is not merely irregularity but is illegality. It is his submission that principles of natural justice are followed and therefore, no interference is called for in the impugned order.

4. Mrs. Srivasatava, learned AGP supported the impugned order. She submitted that under the discretionary jurisdiction of this Court under Article 226 of the Constitution of India, no interference is required in the facts and circumstances of this case.

5. The factual position on record shows that the Petitioner was elected as Sarpanch of Gram Panchayat, Bhirvande, Taluka Kankavali, District Sindhudurg on 11th February 2021. It is the

² (2022) 3 Mah LJ 154:2022 SCC Online Bom 10373

³ (2009) 4 Mh LJ 850: 2009 SCC Online Bom 615

contention of the Petitioner that the said Gram Panchayat has passed certain Resolution on 20th July 2021 regarding construction of a tar road from Bhirvande Chavhata to Nataalkar House. On the same day i.e. on 20th July 2021, the expenditure for construction of tar road was finalised and the Gram Panchayat has submitted a proposal to the Block Development Officer alongwith certificate that the Gram Panchayat is ready to maintain the said road. The said certificate is also issued on the same day i.e. on 20th July 2021. Certain other documents were also executed on the same day.

6. The Respondent No. 4 filed complaint dated 8th October 2021 with the Block Development Officer. It is stated in the said complaint that extract of Form No.23 which has been submitted to the Block Development Officer in the said proposal of construction of road is not to be found in the record of the Grampanchayat and therefore, false documents are submitted. In the complaint, therefore a request is made to conduct a detailed inquiry and to take action.

7. It appears that pursuant to said complaint filed by the Respondent No.4, Divisional Commissioner directed holding of an inquiry in accordance with Section 39 of the said Act. The said inquiry was conducted by the Chief Executive Officer as the misconduct is as contemplated under Section 39 (1)(i) of the

said Act. By holding a detailed inquiry, the Chief Executive Officer submitted a report dated 9th May 2022 under Section 39(1) of the said Act. In the said detailed report, following conclusions were recorded:

“निष्कर्ष —

१. मुळ अभिलेखात नोंद नसतानाही भिरवंडे चव्हाटा ते नाटळकर घरापर्यंत जाणारा रस्ता व भिरवंडे बिवणेवाडी येथील संदिप सावंत दुकान ते मनोज सावंत घरापर्यंत जाणारी पायवाट नं. न २३ चा उतारा दिलेला आहे अशी नमुद केलेली बाब प्रथमदर्शनी खरी असल्याचे स्पष्ट दिसून आलेले आहे.
२. संबंधित जमिनमालक यांनी नमुना क्र. २३ ला नोंद करण्यासाठी संमतीपत्र सादर केले आहे. परंतू तक्रारदार यांच्या म्हणण्यानुसार दिलेल्या संमतीपत्राबाबत तक्रार आहे.
३. मा. मुख्य कार्यकारी अधिकारी जि.प. सिंधुदुर्ग यांचेकडील दि. ०८/०३/२०२२ चे आदेशान्वये सदरचे काम आता रद्द करणेत आलेले आहे.
४. मुळ अभिलेखात नोंद नसतानाही न. नं. २३ सहीसुद उतारा प्रत देवून श्रीम. सुजाता संतोष सावंत सरपंच ग्रामपंचायत भिरवंडे यांनी महाराष्ट्र ग्रामपंचायत अधिनियम १९५८ कलम ३८ अन्वये कर्तव्यात कसुर केल्याचे दिसून येत आहे. तसेच सदर चुक त्यांनी आपल्या म्हणण्यात मान्यही केलेली आहे.
५. सदर प्रकरणी असणाऱ्या अनियमिततेस सरपंच व ग्रामसेवक हे प्रामुख्याने जबाबदार दिसून येतात.”

(Emphasis added)

English translation of the above conclusions are as under:-

“FINDINGS :

1. It has categorically been seen that the fact mentioned that, despite there being no entry in the Original Record, the extract in respect of the Road from Bhirwande Chavhata (i.e. the meeting place of four roads) going up to Natalkar House and a foot-path from Sandip Sawant's Shop up to Manoj Sawant's House in Bhirwande Biwanewadi, has been given from the Register of Form No.23 is prima facie true.

2. The concerned owner of the land has submitted his

Letter of Consent for making entry in Form No.23, however, according to the Complainant, there is a complaint, filed in respect of the said Letter of Consent.

3. Now, pursuant to the Order dated 08.03.2022 of the Chief Executive Officer, Zilla Parishad, Sindhudurg, the said work has been cancelled.

4. It is seen that, despite there being no entry in the original record, by issuing copy of the extract from Register of Form No. 23 with seal and signature, Smt. Sujata Santosh Sawant, Sarpanch, Grampanchayat Bhirwande has committed dereliction in duty as per provisions of Section 38 of the Maharashtra Grampanchayat Act, 1958. Moreover, she has even admitted the said mistake in the say submitted by her.

5. It is seen that, the Sarpanch and the Gram-Sevak are mainly responsible for the irregularity that has been committed in the said matter.”

8. The said report was submitted to the Divisional Commissioner, Konkan Division. Thereafter the Divisional Commissioner, Konkan Division after giving notice to the Petitioner as well as to the Respondent No. 4 passed order under Section 39(1) of the said Act and removed the Petitioner from the office of the Sarpanch by the impugned order dated 18th October 2022.

9. The said order was challenged by the Petitioner before the Hon'ble Minister, Village Development, Maharashtra State by filing Appeal under Section 39(3) of the said Act. By the

impugned order dated 29th March 2023, the Hon'ble Minister, Rural Development dismissed the said appeal. However, while dismissing the appeal, the Hon'ble Minister modified order dated 18th October 2022 passed by the Divisional Commissioner and directed that the Petitioner be also removed from the membership of said Grampanchayat.

10. In the light of above factual position, it is necessary to consider the rival submissions. It is an admitted position that the said Form No. 23 was not to be found in the record/Register of Gram Panchayat and despite that the Petitioner has issued a certified copy of the said Form No. 23. It is significant to note that she has accepted the same and it is her only contention that the certified copy of Form No. 23 was issued by mistake. However, it is to be noted that not issuing a certified copy of a document which is on record may, in a given case, be considered as negligence and also can be termed as a mistake, however issuing a certified copy of a document which does not exist in the record of the Gram Panchayat cannot, by any stretch of imagination, be termed as negligence and the same has to be termed as misconduct.

11. The decision on which Mr. Damle, learned Senior Counsel appearing for the Petitioner has relied on, has no application to the facts and circumstances of the present case. In the said

decision of the Supreme Court in the case of **Ravi Yashwant Bhoir** (*supra*) after discussing the concept of misconduct in detail in earlier paragraphs, it has been observed in paragraph 13 that mere error of judgment resulting in doing of negligent act does not amount to misconduct. However, in exceptional circumstances, not working diligently may be a misconduct. An action which is detrimental to the prestige of the institution may also amount to misconduct. Acting beyond authority may be a misconduct. When the office-bearer is expected to act with absolute integrity and honesty in handling the work, any misappropriation, even if temporary, of the funds etc. constitutes a serious misconduct, inviting severe punishment. The said concept of misconduct is explained further in paragraphs 18 and 19, which read as under:

"18. The expression `misconduct' has to be understood as a transgression of some established and definite rule of action, a forbidden act, unlawful behaviour, wilful in character. It may be synonymous as mis-demeanour in propriety and mismanagement. In a particular case, negligence or carelessness may also be a misconduct for example, when a watchman leaves his duty and goes to watch cinema, though there may be no theft or loss to the institution but leaving the place of duty itself amounts to misconduct. It may be more serious in case of disciplinary forces.

19. Further, the expression `misconduct' has to be construed and understood in reference to the subject- matter and context wherein the term

occurs taking into consideration the scope and object of the statute which is being construed. Misconduct is to be measured in the terms of the nature of misconduct and it should be viewed with the consequences of misconduct as to whether it has been detrimental to the public interest."

(Emphasis added)

After analysing the concept of misconduct and various judgments on the removal of elected office-bearer, it has been observed in said decision in paragraph 36 that:

" the law on the issue stands crystalised to the effect that an elected member can be removed in exceptional circumstances giving strict adherence to the statutory provisions and holding the enquiry, meeting the requirement of principles of natural justice and giving an incumbent an opportunity to defend himself, for the reason that removal of an elected person casts stigma upon him and takes away his valuable statutory right. Not only the elected office-bearer but his constituency/ electoral college is also deprived of representation by the person of their choice."

(Emphasis added)

12. In paragraph 63 of the said decision, it has been held that merely not to conduct oneself according to the procedure prescribed or omission to conduct a meeting without any corresponding loss to the corporate body, would not be an automatic misconduct by inference, unless some positive intentional misconduct is shown.

13. Mr. Damle, learned Senior Counsel appearing for the Petitioner has very heavily relied on aforesaid paragraphs 13, 18, 19, 36 and 63 of the decision of the Supreme Court in **Ravi Yashwant Bhoir** (*supra*). However, it is to be seen that what has been held by the Supreme Court is mere error of judgment resulting in doing of negligent act does not amount to misconduct and merely not conducting oneself according to the procedure prescribed or omission to conduct a meeting without any corresponding loss to the corporate body, would not be an automatic misconduct by interference. However, the observations of the Supreme Court in **Ravi Yashwant Bhoir** (*supra*) are not applicable to the present case. In the present case, admittedly, the Petitioner, who was the Sarpanch at the relevant time issued a certified copy of Form No.23 from the Register of the Gram Panchayat, when such Form No.23 was not in existence in the Register. So in fact what has been done by the Sarpanch is creation of a fabricated document and issuance of the certified copy of the same. Thus, the said conduct is grave misconduct and as rightly contended by Mr. Khandeparkar, learned Senior Counsel, it is not merely an irregularity but is a grave illegality. Therefore, the judgment of the Supreme court in **Ravi Yashwant Bhoir** (*supra*) is not applicable to the factual position in this case.

14. As far as the decision of a learned Single Judge in the case of **Rajendra s/o Radhakisan Raut** (*supra*) is concerned, the said decision is based on **Ravi Yashwant Bhoir** (*supra*) which has been extensively considered hereinabove. Mr. Damle, learned Senior Counsel has relied on paragraphs 30 and 31 of the said decision, which read as under:

30. From the above discussion, it is clear that the **expression "misconduct" has to be construed and understood in reference to the subject matter and context, wherein, the term occurs, taking into consideration the scope and object of the statute, which is being construed. The misconduct is to be measured in terms of the nature of the misconduct and should be viewed with consequence of misconduct as to whether, it is detrimental to public interest.**

The VP Act, which is a Law enacted in furtherance of the 73rd amendment to the Constitution, for incorporating the Village Panchayats at the grass root level for every village or group of villages and investing them with such powers and authority, which would enable them to function as units of local self government and for development activities in the rural areas. The Village Panchayat comprises of the Sarpanch, who is elected in accordance with the procedure set out in the VP Act and who could be removed in the like manner as per the procedure prescribed in the VP Act, one of the mode of removal is bringing out the motion of no confidence by the prescribed number of members and on following the procedure prescribed in the VP Act.

The executive powers for the purposes of carrying out the provisions of the VP Act vest in the Sarpanch, who is directly responsible for

due fulfillment of the duties imposed upon the Village Panchayat by or under the VP Act. Such a Sarpanch, who is elected under the provisions of the VP Act, may also be removed by the mode prescribed under Section 39 of the VP Act, by the Commissioner, if he has been found guilty of misconduct in discharge of his duties or any disgraceful conduct or neglect or incapacity to perform his duties or is persistently remiss in the discharge of his duties.

31. Since, on election of the Sarpanch to head the Village Panchayat, which is expected to work as a body of local self government, with complete autonomy, he is removable only on the grounds provided by the statute and since he heads the Village Panchayat, **he can only be removed by following the procedure prescribed by law and therefore, when the VP Act contemplates his removal on the ground of misconduct in discharge of his duties, such misconduct will have to be specifically proved."**

(Emphasis added)

However, the above observations are not applicable to the present case, as I have already held that the misconduct in the present case is not a mere negligence or irregularity but is a grave illegality and the same is specifically proven.

15. It is significant to note that not only has the Petitioner accepted that the said Form No. 23 did not exist in the Register of the Gram Panchayat but also that she has issued a certified copy of the same without the same being in record. The Petitioner has provided an explanation in her reply dated 23rd

November 2021 submitted to the Chief Executive Officer which clearly establishes her misconduct. In paragraph No. 1, the explanation given by her is as follows:

“१) भिरवडे चव्हाटा ते नाटळकर घरापर्यंत रस्ता खडीकरण डांबरीकरण करणे कि. मी. ०/० ते ०/२९८ ता. कणकवली हे काम जिल्हा वार्षिक योजना जनसुविधा विशेष अनुदान अंतर्गत मंजूर होते त्यामुळे प्रस्ताव सादर करतेवेळी जागेचे कागदपत्र घेणे आवश्यक होते. सदर काम होण्यासाठी तेथील ग्रामस्थांनी नमुना क्रमांक २३ वर नोंद होण्यासाठी जागेचे संमतीपत्र देण्यास तयार आहोत आणि सदर रस्ता नमुना क्रमांक २३ मध्ये होण्यासाठी लागणारे संमतीपत्र संबंधित जमिन मालक त्यावेळी उपस्थित नसल्याने मागाहून सादर करू अशी विनंती केली त्यामुळे प्रस्ताव पूर्ण होण्यासाठी सदर रस्त्याची नमुना क्रमांक २३ ची प्रत प्रस्तावासोबत जोडली होती परंतु त्याची नोंद नमुना नं २३ च्या रजिस्टरला करावयाची शिल्लक राहिली परंतु आता संबंधित जमिन मालक यांनी नमुना क्रमांक २३ ला नोंद करण्यासाठी संमतीपत्र सादर केले आहे. ते ग्रामपंचायत कार्यालयात उपलब्ध आहे. त्यामुळे याबाबत संबंधित जमिन मालकांनी रस्ता करणेसाठी तयार असलेबाबतचे संमतीपत्र सादर केलेमुळे सध्यास्थितीत यांची याबाबत कोणतीही तक्रार किंवा हरकत नाही तसेच तेथील ग्रामस्थ यांची देखील याबाबत तक्रार किंवा हरकत नाही तरी यासोबत सदर रस्त्यासाठी आवश्यक असलेल्या जमिनीच्या संबंधित जमिनमालकांचे संमतीपत्राची छायाप्रत सादर करित आहे.”

(Emphasis added)

English translation of the same is as under:-

“1) The work of graveling and asphaltion of the road between 0/0 km to 0/298 km between Bhirvande Chavhata (i.e. the meeting place of four roads) to Natalkar House, Tal. Kanakvali had been sanctioned under District Annual Scheme under Public facilities special grant and therefore, it was necessary to obtain the documents pertaining to the said land at the time of submitting the said proposal. **In order to carry out the said work, the villagers at the said place had stated that they were ready to give consent letters**

in respect of the said land in order to get the same entered in the Register of Form No.23 and had requested that as the land owners concerned were not available at that relevant time, they would submit the consent letters required for getting entered the said road in the Register of Form No.23, later on. Therefore, in order to complete the said proposal, the copy of the Form NO.23 in respect of the said road, was annexed with the proposal, but the entry in respect thereof remained to be made in the Register of Form No.23. However, now, the Land owners concerned have submitted Consent Letters for making entry thereof in the Register of Form No.23. The same are available in the Grampanchayat Office. Therefore, as the Land owners concerned have submitted Consent Letters to the effect that they are ready for construction of the said road, they have no complaint or objection of any nature whatsoever as of now and also the villagers at the said place even do not have complaint or objection of any nature. Hence, the photocopies of the Consent Letters submitted by the concerned land owners of the lands required for the said road, are annexed herewith.

The said explanation clearly shows that with complete knowledge that the said Form No. 23 did not exist in the Register of the Gram Panchayat, the Petitioner issued the certified copy of the same. Therefore, it is clear that the misconduct is very grave misconduct as she has fabricated the certified copies of the non existing documents. Therefore, there

is no substance in the Writ Petition filed under Article 226 of the Constitution of India raising challenge to the impugned order dated 18th October 2022 passed by the Divisional Commissioner, Konkan Division, New Mumbai as well as order dated 29th March 2023 passed by Hon'ble Minister, Village Development, Maharashtra State so far as confirmation of order of Divisional Commissioner is concerned.

16. Mr. Damle, learned Senior Counsel also relied on decision of learned Single Judge in **Prabhakar Dhonge** (supra). In that case, on the basis of Resolution passed by the Grampanchayat, an agreement was executed which was to come into effect subject to sanction by the Government of Maharashtra and in these facts, learned Single Judge has held that there is no loss caused to the Grampanchayat and therefore, it cannot be held that there is any misconduct. The Said decision has no application to the facts of the present case.

17. However, it is to be noted that by the impugned order dated 18th October 2022, the Divisional Commissioner, Konkan Division, Navi Mumbai by exercising power under Section 39(1) of the said Act removed the Petitioner from the office of Sarpanch. Section 39(1) also gives discretion to the Commissioner to remove a Sarpanch, who has been removed from the office of Sarpanch *inter alia* for misconduct, from the

Panchayat. However, the impugned order of the Divisional Commissioner only shows that the Divisional Commissioner has not used the said discretion. The said order was challenged by the Petitioner before the Hon'ble Minister by filing Appeal under Section 39(3) of the said Act. Section 39 of the said Act reads as under:

"39. Removal from office. - [(1) The Commissioner may,-

(i) remove from office any member or any *Sarpanch* or *Upa-Sarpanch* who has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or of neglect of or incapacity to perform his duty, or is persistently remiss in the discharge thereof. A *Sarpanch* or ***Upa-Sarpanch* so removed may at the discretion of the Commissioner also be removed from the panchayat;** or

(ii) remove from office the member, *Sarpanch* or as the case may be, *Upa-Sarpanch* if not less than twenty per cent, of the total number of voters in the village who have paid all dues of the *panchayat* regarding taxes on buildings and lands and water charges, make a complaint that the annual accounts and the report of the expenditure incurred by the *panchayat* on the development activities are not placed before the *Gram Sabha*; and the information thereof is not displayed on the notice board as required by sub-section (1) or (1-A) of section 8 :

Provided that, no such person shall be removed from office unless, in case of clause (i), the Chief Executive Officer or in case of clause (ii), the Deputy Chief Executive Officer as directed by the Chief Executive Officer; under the orders of the Commissioner, holds an inquiry after giving due notice to the Panchayat and the person concerned; and the person concerned has been

given a reasonable opportunity of being heard and thereafter the Chief Executive Officer, or, as the case may be, the Deputy Chief Executive Officer concerned through the Chief Executive Officer, submits his report to the Commissioner. The inquiry officer shall submit his report within a period of one month:

Provided further that, the Commissioner shall, after giving the person concerned a reasonable opportunity of being heard, take a decision on the report submitted by the Chief Executive Officer or, as the case may be, the Deputy Chief Executive Officer, within a period of one month from the date of receipt thereof.]

[(1-A) Where a person is removed from office of the *Sarpanch* or *Upa-Sarpanch*, he shall not be eligible for re-election as *Sarpanch* or *Upa-Sarpanch* during the remainder of the term of office of members of the Panchayat].

[(2) The Commissioner may subject to like condition disqualify for a period of not exceeding [six years], any person who has re-signed his office as a member, *Sarpanch* or *Upa-Sarpanch* and has been guilty of the acts and omission specified in sub-section (1).

(3) Any person aggrieved by an order of the Commissioner under sub-section (1) or (2) may, within a period of fifteen days from the date of the receipt of such order, appeal to the State Government and the Government shall decide the appeal within a period of one month from the date of receipt thereof.]"

(Emphasis added)

18. It is significant to note that under Section 39(1)(i), the Commissioner has got power in his discretion to remove a person from the membership of the Panchayat, who has been removed as Sarpanch. In this case, the Commissioner has not

exercised that discretion. In this background what is contemplated in Section 39(3) of the said Act is "Any person aggrieved by an order of the Commissioner under Sub-Section (1) or (2) may, within a period of fifteen days from the date of the receipt of such order, appeal to the State Government and the Government shall decide the appeal within a period of one month from the date of receipt thereof. Thus what is contemplated is any person aggrieved by an order of the Commissioner can file an appeal. It is an admitted position that in the present case although Divisional Commissioner, Konkan Division, Navi Mumbai passed an order only of removal of the Petitioner from the office of Sarpanch and Respondent No. 4 or no other person has filed an appeal challenging said order to the extent of non-removal of the Petitioner from the membership of said Panchayat, the Minister has no power to remove the Petitioner from the Membership of the Bhirvande Gram Panchayat in appeal filed under Section 39(3) by the Petitioner. There is nothing on record to show that the Petitioner was made aware that such type of order would be passed by the Hon'ble Minister. Therefore, not only the order of the Minister to that extent is beyond the scope of appeal, which has been filed under Sub-Section 3 of Section 39 of the said Act, but the said part of the order is also contrary to the principles of natural justice as it

is an admitted position that the Petitioner was not put to notice that the action to remove her from Membership of said Village Panchayat would be taken against her, assuming that the Hon'ble Minister has said power in the appeal filed by the Petitioner. Accordingly clause Nos. 2 and 3 of the Hon'ble Minister's order to the extent that the Petitioner has been removed from the membership of the said village panchayat is quashed and set aside. However, it is clarified that the order passed by the Divisional Commissioner as confirmed by the Hon'ble Minister with respect to removal of the Petitioner from the office of Sarpanch is confirmed.

19. Accordingly, the Writ Petition is partly allowed in above terms and dismissed as far as the challenge to the impugned orders to the extent of removal of the Petitioner from the Office of Sarpanch in concerned.

20. The Writ Petition is disposed of in above terms with no order as to costs.

(MADHAV J. JAMDAR, J.)

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by
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