

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2554 OF 2014

KALAWATI DEVENDRA CHILLARGE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. P. G. Rodge
AGP for Respondent No.1: Mr. M. A.Deshpande
Advocate for Respondents 2 and 3 : Mr. P.R. Tandale
Advocate for respondent No.6:Mr. V.D. Gunale

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**CORAM : R. M. BORDE AND
V. K. JADHAV, JJ.**

DATED : 30th APRIL, 2015

P.C. :-

1. The petitioners are seeking directions to declare that respondent No.7 committee has not been constituted in accordance with the provisions of law and the policy prescribed in that behalf. The respondent No.7 is water shed development committee constituted in accordance with the scheme formulated by the State Government. As per the scheme, Gram Sabha of the village, in its meeting shall constitute the committee. The petitioners contend that the Gram Sabha held for constitution of Panlot committee was not conveyed in accordance with the provisions of the Act and Rules and the business transacted in the concerned Gram Sabha is illegal, since validity of the said Gram Sabha itself is questionable.

2. The petitioners tendered an objection in respect of Gram Sabha held on 25.4.2012, by tendering an application to the Zilla Parishad. A preliminary enquiry was held and report is stated to have been submitted by the Block Development Officer, based upon the finding of the Extension Officer. The petitioners contend that since Gram Sabha itself was not validly conducted, the committee constituted in the said meeting cannot be recognized in law.

3. Counsel representing the concerned committee as well as the counsel representing the Zilla Parishad state that the objection raised by the petitioners in the instant petition does not deserve consideration. It is contended by the Zilla Parishad as well as on behalf of the committee that the Gram Sabha was validly conveyed and business transacted in the meeting shall have to be considered as valid and proper. It is contended that initially meeting of Special Gram Sabha was conveyed on 10.4.2012. However, since there was lot of commotion and disturbance in the meeting, it was postponed and held on 25.4.2012. The situation was of such a grave nature that police personnel were required to be deputed for ensuring peaceful conduct of meeting. It is stated that in presence of police personnel and representative of Block Development Officer, meeting was held and committee has been constituted. There was another

contradictory report tendered by the Extension Officer holding in favour of legality of the meeting. The matter was thereafter scrutinized by the Deputy Chief Executive Officer, Zilla Parishad, Latur and on perusal of documents and both the reports, the Deputy Chief Executive Officer, ruled in favour of validity of the meeting. Since the Deputy Chief Executive Officer has applied his mind to the record of the case and has reported that meeting of Gram Sabha was validly conveyed and the business transacted in the said meeting cannot be said to be irregular or illegal, in extra ordinary writ jurisdiction under Article 226 of the Constitution of India, according to us, no interference is called for.

4. Another objection is raised by the petitioners that meeting of Gram Sabha is not preceded by women gramsabha. The respondents contend that the mandate prescribed under sub-section (5) of Section 7 does not apply to the special Gram Sabha and the same applies for regular meeting of Gram Sabha. It is contended that meeting conveyed for electing Panlot Samiti was special meeting and as such the mandate contained in Sub-section (5) of Section 7 has no applicability. It does appear that meeting in which water shed development committee is elected was a special meeting and as such, requirement of conducting women Gram Sabha before the said meeting cannot be said to be mandatory.

5. For the reasons recorded above, we do not find any reason to cause interference in the writ petition. Petition is devoid of substance and the same stands rejected.

(V. K. JADHAV, J.)

(R. M. BORDE, J.)

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