

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

WRIT PETITION NO. 4967 OF 2015

Ananta Nanasaheb Langde ...PETITIONER

versus

The Additional Divisional Commissioner
and others ...RESPONDENTS

...
WITH

WRIT PETITION NO. 4968 OF 2015

Sojar Uttam Kale ...PETITIONER

versus

The Additional Divisional Commissioner
and others ...RESPONDENTS

...
WITH

WRIT PETITION NO. 4969 OF 2015

Vijaimala Dagdu Waghmare ...PETITIONER

versus

The Additional Divisional Commissioner
and others ...RESPONDENTS

....
WITH

WRIT PETITION NO. 4970 OF 2015

Manik Govardhan Kotawale ...PETITIONER

versus

The Additional Divisional Commissioner
and others ...RESPONDENTS

WITH

WRIT PETITION NO. 4971 OF 2015

Daivshala Jagannath Kothawale

...PETITIONER

versus

The Additional Divisional Commissioner
and others

...RESPONDENTS

...
WITH

WRIT PETITION NO. 4972 OF 2015

Parubai Tulshiram Waghmare

...PETITIONER

versus

The Additional Divisional Commissioner
and others

...RESPONDENTS

WITH

WRIT PETITION NO. 4973 OF 2015

Ashok Bhimrao Shinde

...PETITIONER

versus

The Additional Divisional Commissioner
and others

...RESPONDENTS

.....
Mr. M.P. Gitte, Advocate for Petitioners
Mr. S.P. Daund, A.G.P. Respondents No. 1 and 2
Mr. P.P. More, Advocate for respondent No. 3
.....

CORAM : SUNIL P. DESHMUKH, J.

DATED : 28th AUGUST, 2015

Order :-

1. Petitioners purport to take exception to the concurrent findings recorded against them by the Additional Collector, Osmanabad and Additional Commissioner, Aurangabad Division, Aurangabad in appeals

with reference to section 16 (2) of the Maharashtra Village Panchayats Act, 1958 (hereinafter referred to as " Panchayats Act ") in the disqualification proceedings against the petitioners, which having been incurred with reference to Section 14 (1) (j-5) of the Panchayats Act.

“ 14. **Disqualifications** [(1) No person shall be a member of a Panchayat continue as such, who

(j-4)

(j-5) fails to submit a certificate of the concerned panchayat, along with resolution of the Gram Sabha certifying that,-

(i) He resides in a house owned by him and has a toilet in such house and he regularly uses such toilet; or

(ii) he resides in a house not owned by him and has a toilet in such house and he regularly uses if or he has no such toilet but regularly uses the public toilet.

2. Upon perusal of the impugned judgments and orders, it appears that petitioners have not been able to justify as to how they can be deemed not to be disqualified, for, position on record clearly emerges that the petitioners had not been able to support their claim with production of requisite resolutions of *Gram Sabhas* as referred in aforesaid provision. The Additional Collector, Osmanabad and Additional Commissioner, Aurangabad Division Aurangabad have referred to the decision of this court, wherein it has been observed

that, compliance of requirement of section 14 of the Panchayats Act is necessary.

3. In view of the same, the judgments and orders impugned do not suffer any infirmity, writ petitions, as such, lack merit and stand rejected and disposed of accordingly.

Sd/-

(SUNIL P. DESHMUKH, J.)

MTK