

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.5083 OF 2013

Sanjay s/o Zumbarlal Bhailume

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.Niteen V. Gaware, advocate for the petitioner.

Mrs.M.A.Deshpande, A.G.P. for Respondents No.1 to 3.

Mr.S.T.Shelke, advocate for Respondents No.4 & 5.

Mr.K.S.Bhore, advocate for Respondent No.6.

CORAM : R.M.BORDE &

P.R.BORA, JJ.

DATE : 21st July, 2015

PER COURT:

1 The petitioner alleges that funds of the village panchayat derived from auction of weekly market collection/cess amounting to Rs.6,33,000/- and further sum of Rs.1,29,000/- have been defalcated by the office bearers of the village panchayat as well as Village Development Officer and as such directions be issued to the Zilla Parishad to initiate appropriate action against them.

2 An affidavit-in-reply has been presented on behalf of the Block Development Officer, Panchayat Samiti as well as Chief Executive Officer, Zilla Parishad, wherein it has been stated that the Gram Sevak, who was posted at the village, *prima facie*, appears to have committed certain irregularities and as such, departmental enquiry has been initiated against him and charge

sheet has been issued. It is further pointed out that audit of the Gram Panchayat is already ordered and on receipt of the audit report, after observing necessary formalities, if deemed necessary, appropriate steps will be taken.

3 Learned Counsel for the Zilla Parishad states that a procedure is prescribed for initiating action against the office bearers, who are found to be involved in the financial irregularities under Bombay Village Panchayats Act and if at all action is warranted, it needs to be taken in observance of the procedure prescribed. It is further stated that on receipt of report of special audit, the Village Panchayat would be required to be called upon to rectify the objections and thereafter in observance of the procedure prescribed, if deemed necessary, appropriate steps shall have to be taken.

4 If the report of the special audit conducted by the auditor, discloses any financial irregularities or temporary misappropriation, Respondent Zilla Parishad shall take appropriate steps expeditiously in observance of the procedure prescribed under the law. In view of this, no further directions need be issued.

5 Writ Petition stands disposed of.

P.R.BORA
JUDGE

adb/wp508313

R.M.BORDE
JUDGE