

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

54 WRIT PETITION NO. 7230 OF 2015

RAMHARI NARHARI LOMTE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Choudhary S.S.
AGP for Respondents: Mr.N.B. Patil
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CORAM : R. M. BORDE & P.R. BORA, JJ.
Dated: July 27, 2015
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PER COURT :-

1 The petitioner is objecting to the constitution of the watershed committee, for village Jawla khurd, tq Kalamb Dist. Osmanabad, in a Gramsabha meeting held on 1.5.2015.

2 The petitioners are the members of the earlier committee, constituted in the year 2011. It is not a matter of dispute that, the term of the members of Panchayat, including the petitioners, has come to an end in the year 2014. The general elections to the village Panchayat of village Jawla Khurd were held at the end of five years tenure of earlier Panchayat and after holding general elections, the new committee has been constituted in accordance with section 49 of the Bombay Village Panchayat Act, 1958. Sub-section 2 of Section 49 provides that, the term of committee shall be co-terminus with the term of the Panchayat. In the instant matter the term of Panchayat has already come to an end. The petitioners, who are the members of the committee during earlier tenure cease to hold office, after completion of the term of Panchayat.

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3 The petitioners contend that, it was necessary for the village Panchayat to constitute new committee within 45 days, as provided under section 13. However, since the said committee is not constituted within the period prescribed, it shall be declared as illegally constituted committee. Submission made by the petitioner is devoid of any substance, for the reason that, the period prescribed under section 49 is merely enabling provision and any breach in respect of the period specified will not render the constitution of the the committee illegal.

4 For the reasons recorded above, no interference is called for in exercise of extraordinary jurisdiction under article 226 of the Constitution of India.

5 Writ petition is devoid of substance and stands dismissed.

(P.R. BORA, J.)

(R. M. BORDE, J.)

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