

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

WRIT PETITION NO.8305 OF 2012

KASHINATH GUNWANTAPPA SAKHARE
VERSUS
THE STATE OF MAH AND ORS

...

Advocate for Petitioner : Mr. Choudhary S.S.
Mr. SG Nandedkar, AGP for Respondents: No.1
Mr. ST Shelke, Adv. For Resp.no.3.
Mr.Ghute Suhas B., Adv. For R/8,9

**CORAM : R.M.BORDE &
P.R.BORA,JJ.**

DATE : 7th JULY, 2015.

PER COURT :

1) Heard. The petitioner is seeking directions to complete the formalities in accordance with the provisions of Articles 243 and 243-G of the Constitution of India as well as in consonance with Sections 4, 146 and 147 of the Bombay Village Panchayats Act, 1958 and declare two separate Gram Panchayats, viz. Gram Panchayat, Jewali and Gram Panchayat, Jewali (south).

2) An affidavit in reply has been presented on behalf of Zilla Parishad, wherein it is stated that since the petitioner is placing reliance on the proposal received by the village Panchayat on 29.6.2012. The term of the then existing

committee expired immediately within three months, i.e. in September 2012 of adoption of resolution, such resolution was not required to be taken into account in view of the policy decision of the State, declared on 12.2.2004. The petitioner expects the authorities to act upon the Resolution, which was adopted on 29.6.2012 and within period of six months from the date of expiry of tenure of elected body. The new elected body of the village Panchayat has come in office and as such, the Zilla Parishad authorities expect the village Panchayat to complete the formalities afresh i.e. tender a fresh resolution for consideration.

3) We do not find that the directions issued by the Zilla Parishad are unreasonable or violative of any policy decision declared under Government Resolution dated 12.2/2004. In this view of the matter, request made by the petitioner in this petition does not deserve consideration. The writ petition, therefore, stands dismissed.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

bdv/