

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.11609 OF 2015

Minakshi Baburao Mhatre & Anr. .. Petitioners

V/s.

Rajendra Shivram Thakur & Ors. .. Respondents

.....

Mr. Abhijit B. Kadam i/b. Mr. Sudhir Prabhu, Advocate for the
Petitioners.

Mr. Vikas Mali, AGP for the Respondent – State.

.....

**CORAM : NARESH H. PATIL AND
S.B. SHUKRE, JJ.**

DATED : DECEMBER 1, 2015.

P.C.

The petitioner claims to be an elected member of Gram Panchayat Phunde. By a representation dated 7th October, 2013, addressed to the Divisional Commissioner, Konkan Division, Konkan Bhawan, Belapur CBD, Navi Mumbai, the petitioner prayed for action against the Sarpanch and Up-Sarpanch under Section 39(1) of the Maharashtra Village Panchayat Act, 1959. By a communication dated 2nd January, 2015, the Divisional Commissioner Konkan Division, Konkan Bhawan, Belapur CBD, Navi Mumbai, directed to the Chief Executive Officer (hereinafter

referred to as “CEO”, for short) Zilla Parishad Raigad, for conducting an enquiry. The Divisional Commissioner sent reminder to the CEO, Zilla Parishad, Raigad, vide a communication dated 27th October, 2014, wherein probably a report was called for from the CEO. As no report was received from the CEO, the Divisional Commissioner again directed the CEO, Zilla Parishad, Raigad to submit a report. The learned counsel appearing for the petitioner submits that so far the report is not submitted by the CEO, Zilla Parishad, Raigad to the Divisional Commissioner, which compelled the petitioner to approach this Court.

2 If what the petitioner is stating before the Court is found to be correct then it reflects sorry state of affairs of the administration. We direct the Divisional Commissioner, Konkan Division, Konkan Bhavan, New Mumbai, to look into the representation filed by the petitioner and deal with the same in accordance with law. It is clarified that we have not expressed any opinion on the merits of the allegations made by the petitioner. The Divisional Commissioner shall close the concerned file within three months from today.

3 With the aforesaid directions and observations, the petition is disposed of.

4 Learned AGP to communicate this order to the Divisional Commissioner, Konkan Division, Konkan Bhavan, New Mumbai.

(S. B. SHUKRE, J.)

(NARESH H. PATIL, J.)