

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.1651 of 2015

(Sau. Mankarne Uttamrao Bharpawar and others v. The Additional Commissioner,
Amravati Division, Amravati, and others)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's order

Court's or Judge's orders

Shri J.B. Kasat, Advocate for Petitioners.
Shri P. Mahalle, Advocate for Respondent No.4.

Coram : R.K. Deshpande, J.

Date : 25th August, 2015

On 27-3-2015, this Court passed an order as under :

“ Issue notices for final disposal of the matter, to the respondents, returnable on 08.05.2015.

The respondents be served by R.P.A.D. in addition to regular mode of service.

Mrs. Rashmi Deshpande, the learned A.G.P. waives service of notice for the respondent Nos.1 and 2.

Shri Kasat, the learned counsel appearing for the petitioner has invited my attention to the roznama at page 44 dated 08.07.2014 when the matter was fixed for cross-examination of the witnesses and without permitting to conduct cross-examination, the order impugned has been passed.

In view of the aforesaid, the order impugned shall remain stayed.”

Shri Mahalle, the learned counsel appearing for the respondent No.4, has invited my attention to the *roznama*. From the *roznama*, it is apparent that the record was produced by the Gram Panchayat initially on 18-11-2013 and thereafter certain documents were filed on record. The Additional Collector, Amravati, has observed that the matter was adjourned on 27 occasions. The petitioners did not avail the opportunity of cross-examining the witnesses though they were present before the Court. I have also seen the *roznama* and find that an ample opportunity was given to the petitioners for cross-examining the witnesses, who were present before the Court. The conduct of the petitioner is to drag on the matter which was filed on 18-11-2013 and the tenure is of five years from the year 2012. The opportunity has not been availed of and, therefore, the ultimate order was passed holding the petitioners to be disqualified on the ground mentioned under Section 14(1)(h) of the Maharashtra Village Panchayats Act for failure to pay the amount of tax or fee due to the Panchayat within a period of three months from the date on which the amount of such tax or fee is demanded, and a bill for the purpose is duly served on him. The findings are based on appreciation of evidence available on record and there is no perversity.

Thus, no interference is called for in the order impugned. The petition is dismissed.

Judge.