

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

WRIT PETITION NO.1808 OF 2015

[Narendra s/o Charandas Bhaisare .vs. The Additional Collector, Chandrapur and others]

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

Court's or Judge's orders

Shri S.A. Choudhari, counsel for the petitioner,
 Shri N.R. Rode, AGP for the respondent nos.1, 17 and 18,
 Shri N.W. Almelkar, counsel for the respondent no.2,
 Shri Alok Daga, counsel for the respondent nos.3 to 13,
 Shri A.B. Mirza, counsel for the respondent nos.14 to 16.

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATED : AUGUST 21, 2015.

Heard.

By this petition, the petitioner seeks a direction to the Collector and the Chief Executive Officer, Zilla Parishad, Chandrapur to initiate proceedings against the respondents nos.3 to 13 for recovery of misappropriated amount under the provisions of Section 178 of the Maharashtra Village Panchayat Act.

A complaint was made by the petitioner to the Collector that certain amount was misappropriated by the respondent nos.3 to 13 and action may be initiated against the concerned respondents under the provisions of the Maharashtra Village Panchayat Act. The Collector, by an order dated 6.3.2014, directed the audit of the Gram Panchayat, Sindewahi under the provisions of Section 140 of the Act. It was observed by the Collector in the said order that it was not possible to come to a conclusion on the basis of the material on record, whether there was misappropriation by the respondent nos.3 to 13. The

complaint was, therefore, disposed of, with a direction to conduct the audit under Section 140 of the Act and to make a recovery only after coming to the conclusion that there was misappropriation.

Shri Almelkar, the learned counsel for the respondent no.2-Zilla Parishad, Chandrapur states, on instructions, that after the order was passed by the Collector on 6.3.2014, the audit has been completed on 16.12.2014 and the Block Development Officer has been directed to send the audit report along with his comments to the respondent no.1-Collector. It is stated that appropriate steps would be taken in the matter in accordance with the provisions of the Maharashtra Village Panchayat Act.

Shri Rode, the learned Assistant Government Pleader appearing on behalf of the respondent no.1, states that after the audit report and the other material is received by the Collector, the Collector would take appropriate steps in the matter in accordance with the provisions of Section 178 of the Maharashtra Village Panchayat Act.

By accepting the statements made on behalf of the respondent nos.1 and 2, we dispose of the writ petition, with no order as to costs.

JUDGE

JUDGE