

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
WRIT PETITION NO. 2699/2015

(Nilkanth s/o Champatrao Kawale and others vs. The State of Maharashtra and others)

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

Court's or Judge's order

Mr. PPDhok, Advocate for the petitioners
 Mr.D.B.Patel, Asst.Govt. Pleader for Respondent Nos.1 & 2
 Mr. Sudame, Advocate for Respondent no. 3
 Mr. A.S. Bhendarkar, Adv.for Respondent No.4
 Mr A.M. Quazi,Adv.for Respondent No.7
 Mr. R. Sardey, Adv.for Respondent No.8
 Mr. C.V. Kale, Advocate for Respondent no.9

**CORAM : SMT. VASANTI A. NAIK &
 N.W. SAMBRE,JJ.**

DATED : 21st September, 2015.

Heard.

By this petition, the petitioners impugn the notice of the respondent no.2 informing the petitioners about the initiation of the proceedings against them, under Section 39 of the Maharashtra Village Panchayats Act.

According to the petitioners, the respondent no. 2 does not have jurisdiction to entertain the complaint made on behalf of the respondent no.9 and initiate proceedings against the petitioners, under Section 39 of the Act. It is stated that in view of the provisions of Section 180 of the Act, no proceedings could be initiated against any Member of a Panchayat in respect of anything done by him under the Act or the Rules, in

good faith.

The petitioners cannot effectively challenge the impugned notice issued by the respondent no.2, dated 15.4.2015. It is for the petitioners to raise an objection before the respondent no.2 in regard to the lack of jurisdiction to initiate the proceedings under Section 39 of the Act, against the petitioners. In any case, this Court had, by an order dated 7.5.2015, permitted the respondent no.2 to proceed with the matter on merit, as per law. If that be so, the order of the respondent no.2 would be appealable to the State Government, under section 39(3) of the Act and the petitioners would be entitled to avail the said remedy.

In view of the aforesaid, the Writ Petition is disposed of, with no order as to costs. The points raised in the petition are, however, kept open.

JUDGE

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