

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

WRIT PETITION NO.4087/2015

Shri Pravin s/o Vithobaji Chavhan

...Versus...

State of Maharashtra, through its Secretary, Rural Development Department,
Mantralaya, Mumbai – 32 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 G.G. Bade, Advocate for petitioner
Shri N.R. Rode, AGP for respondent nos.1 to 3
Shri Shaikh Majid, Advocate for respondent nos.4 and 5

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

DATE : 10.09.2015

By this petition, the petitioner seeks a direction to the respondent nos.1 to 5 to initiate enquiry and take suitable action against the respondent nos.6 to 8 for misappropriating the funds of the Gram Panchayat.

The direction sought by the petitioner cannot be granted. Under Section 178 of the Maharashtra Village Panchayats Act, a Member of the Panchayat could be held personally liable for the loss, waste or misapplication of money or the property of the Panchayat, if the same is caused due to his misconduct. The Collector is entitled to fasten the liability on the erring Members of the Panchayat. The order of the Collector could be further challenged before the District Court. In the instant case, it appears that certain complaints are made by the petitioner against the respondent nos.6 to 8 to the Collector.

We permit the petitioner to make a fresh representation – complaint to the Collector and dispose of the writ petition with a direction to the Collector to consider the complaint/representation under Section 178 of the Act and take appropriate action, if there is truth in the complaint/representation.

Order accordingly. No costs.

Steno copy of this order is granted.

JUDGE

JUDGE

Wadkar