

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

Writ Petition No.4629 of 2015

(Pradeep Prahladrao Hajare v. Additional Commissioner, 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 T.J. Patil, Advocate for Petitioner.

Shri K.L. Dharmadhikari, Assistant Government Pleader for
Respondent Nos.1 and 2.

Shri V.D. Darne, Advocate for Respondent No.3.

Coram : R.K. Deshpande, J.

Date : 25th August, 2015

The petitioner has been disqualified under Section 14(1)(g) of
the Bombay Village Panchayats Act, 1959, which runs as under :

*“14. Disqualifications.--(1) No person shall be a member of a
Panchayat continue as such, who ---*

...

*(g) has directly or indirectly, by himself or his partner, any
share or interest in any work done by order of the
Panchayat, or in any contract with, by or on behalf of, or
employment with or undue, the Panchayat. ...”*

In the order passed by the Additional Commissioner dismissing
the appeal filed by the petitioner against his disqualification, it is held
as under :

*“ Perusal of the record of the Lower Court reveals that the
Appellant is the member and Sarpanch of the Gram Panchayat,
Rani Amravati. It is proved from the Voter List-2014 and the*

Health Card that the Appellant is residing with his brother namely Jagdish in the house bearing no.223. It is resolved by the Gram Panchayat to engage the services of the brother of the Appellant on the post of Gram Rojgar Sewak temporarily for three months. The brother of the Appellant has accepted the amount of Rs.6,000/- for transportation of plant on 17.7.2011 and also accepted the amount of Rs.2,000/- and 10,000/- towards expenses as tree plantation and rent of mixture machine on dated 10.7.2011 and 18.5.2013 respectively. The Appellant has purchased cement and building materials from the shop of his son styled as M/s Sagar Cement Depot and Harwere, Babhulgaon and has accepted the amount of Rs.45,350/- on 13.5.2011, Rs.13,250/- on 5.7.2011, Rs.9,000/- on 1.3.2012, Rs.39,690/- on 18.5.2012, Rs.40,500/- on 3.4.2012, Rs.31,500/- on 14.9.2012, Rs.21,000/- on 12.4.2013 and Rs.1,360/- on 18.7.2013. The brother and son are the members of the joint Hindu family of the Appellant and thus, the Appellant has taken benefit from the Gram Panchayat, Rani Amravati indirectly. So, the provisions of section 14(1)(g) are attracted to disqualify the Appellant from the post of member of the Gram Panchayat, Rani Amravati and therefore, the Additional Collector, Yavatmal has rightly disqualified the Appellant from the post of member of the Gram Panchayat, Rani Amravati vide his order dated 19.6.2015. I, therefore, do not find any reason to interfere with the Order of the Additional Collector, Yavatmal. Hence, I proceed to pass following Order.

ORDER

- 1) *The Appeal is dismissed.*
- 2) *The Order of the Additional Collector, Yavatmal 19.6.2015 is upheld.*
- 3) *Inform to Parties.*
- 4) *No Order as to costs."*

It has been proved that the petitioner is residing with his brother, viz. Jagdish, in the house bearing No.223 and the brother was engaged on the post of Gram Rojgar Sewak temporarily for a

period of three months. The brother of the petitioner accepted the amount of Rs.6,000/- for transportation of plant on 17-7-2011, the amount of Rs.2,000 and Rs.10,000/- towards expenses as tree plantation and rent of mixture machine on 10-7-2011 and 18-5-2013 respectively. The Gram Panchayat also purchased cement and building materials from the shop of the petitioner, styled as “M/s. Sagar Cement Depot and Hardware”, Babhulgaon, and accepted the amount specified in the order. The brother and the son are the members of the Joint Hindu Family of the petitioner. The petitioner has taken benefit from the Gram Panchayat indirectly. The factual aspects have not been disputed.

Thus, there is no reason to interfere in the impugned order. The petition is dismissed.

Judge.