

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

WRIT PETITION NO.4583 OF 2014.

(EKNATH LAXMAN ALOK & 3 OTH..VS..DIVISIONAL COMMISSIONER AMT. & 3 OTH.)

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

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : DECEMBER 11, 2015.

None appeared for the petitioners on 17th November, 2015. Today, again none appears for the petitioners.

Heard Shri N.B.Kalwaghe, advocate for the respondent No.4 and Shri V.P. Gangane, A.G.P. for the respondent Nos. 1 to 3.

The petitioners have challenged the order passed by the Divisional Commissioner dismissing the appeal filed by them.

The petitioners were elected as members of the Village Panchayat on 21st October, 2012. As the petitioners had not submitted the accounts of expenditure within the prescribed time to the concerned authority, the District Collector disqualified them by the order dated 1st August, 2013 and the petitioners, being aggrieved by the order passed by the learned District Collector disqualifying them from continuing as members of the Gram Panchayat, filed joint appeal which is dismissed by the learned Divisional Commissioner by the impugned order.

The defence of the petitioners is that they had not submitted the accounts of the expenditure within the required time to the concerned authority as they were elected unopposed and as they had not incurred any expenditure, they bonafide believed that they were not required to submit the accounts of expenditure. The petitioners have further

stated that they approached the office of the Tahsildar, Chikhali by way of abundant precaution to inquire about the requirement of submitting the accounts of expenditure, however, the petitioners were told that the time prescribed for submitting the accounts of expenditure had already expired.

Apart from the fact that the pleadings of the petitioners are contradictory, the petitioners have not placed any evidence on the record to show that after they were told by the office of the Tahsildar, Chikhali that the time to submit the accounts of the expenditure had expired, they attempted to submit the accounts of the expenditure by approaching the superior authority and making appropriate request. Further, I find that the orders passed by the learned Collector, disqualifying the petitioners from continuing as the members of the Village Panchayat, are not challenged by the petitioners in this writ petition.

In view of the above facts, I see no reason to interfere with the order passed by the learned Divisional Commissioner.

The writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

CAW NO. 2552/2014.

In view of dismissal of the writ petition, the application praying for dispensing with filing of true translation of the documents in vernacular does not survive, hence, it is disposed of.

JUDGE