

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 840 OF 2016
WITH CA/7227/2016 IN WP/840/2016

SMT. SHALUBAI SHIVAJIRAO MANE
VERSUS
THE ADDITIONAL COLLECTOR, LATUR AND OTHERS

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Advocate for Petitioner : Mr. Hanmant V. Patil.

AGP for Respondent : Mr. S. N. Kendre.

Advocate for Respondent No.2 : Mr. P. R. Tandale.

Advocate for Respondent No.3 : Mr. R. K. Ashtekar, h/f Mr. S. S. Manale.

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CORAM : **T. V. NALAWADE, J.**

DATE : 24th October, 2016.

ORDER:

. The petition is filed to challenge the order made by the learned Additional Collector, Latur in Disqualification Case No.34 of 2015 under Section 36 of the Maharashtra Village Panchayat Act. Heard both the sides.

2 Proceeding was filed against the present Petitioner, Sarpanch of village Madansuri, Taluka Nilanga, by the Chief Officer of Zilla Parishad, Latur. It is contended that as Sarpanch, it was necessary for the present Petitioner to hold monthly meetings of Village Panchayat, but she did not hold monthly meetings in October, 2014, November, 2014 and December, 2014. It was contended that

inquiry was held into this conduct of Sarpanch through the Block Development Officer and it was ascertained that no such meetings were held. It was reported that it was necessary to take action under Section 36 of the Village Panchayat Act, 1958.

3 Notice was given to the present Petitioner and her say was called. She contended that out of political rivalry, complaints were made against her and she had not avoided to take the meetings.

4 The learned Additional Collector considered the record and the aforesaid reports and held that atleast three monthly meetings i.e. October, 2014, November, 2014 and December, 2014 were not held and no sufficient cause was shown by the Sarpanch for not holding such meetings. In view of the wording used in Section 36, the learned Additional Collector has passed the order of disqualification against the present Petitioner.

5 Submissions made and say which was filed before the Authority by the Petitioner show that it is not disputed that aforesaid three meetings were not held. It was contended that the Gram Sevak was asked to call the meetings, but the meetings were not called and so she is not responsible for not calling the meetings. In this regard, there is a report of Block Development Officer, which is to the effect

that even notices were not issued for monthly meetings. The report of the Village Development Officer shows that due to political rivalry, the meetings were not held and as meeting were not held, no steps were taken to implement the schemes in respect of which direction was given in 13th report of Finance Commission. The works like improvement of the locality where backward class persons were living, creation of shed, improving drinking water supply scheme by repairing the pipeline etc. were withheld. Thus, the progress of the village was affected due to inaction on the part of the Sarpanch.

6 The learned counsel for the Petitioner placed reliance on two reported cases like **1999 ALL MR (Cri) 495** (Mr. A. G. Narvel Vs. Shri B. I. Nhinglavna and others) and **2010 (6) Mh.L.J. 307** (Mangala w/o Dhanraj Kalbande Vs. State of Maharashtra and others). In the first case, this Court has observed that principles of natural justice needs to be followed and opportunity needs to be given to person against whom action is to be taken to meet the material. There is no dispute over this proposition. In the second case, it is laid down that Section 36 operates on failure to convene a meeting and failure to hold meeting may not fall under Section 36. There is no need to discuss this proposition in the present matter. If the direction was given by Sarpanch to Gram Sevak, Secretary to issue notice, it was necessary

for the Sarpanch to keep follow up and see that notices were really issued. If some members were not cooperating and they were not attending the meetings, the meeting which was called, could have been adjourned and the adjourned meeting could have been held and the formality could have been completed. Some important issues were required to be dealt with by the Village Panchayat. But three consecutive meetings were not held. Due to such inaction the funds provided are not utilized and the basic facilities are not provided to the villagers. As no sufficient cause was shown, the learned Additional Collector made the order. This Court sees no reason to interfere in the said order. In the result, the petition is dismissed.

7 The learned counsel appearing for the Petitioner requested for continuation of interim protection. But it is refused.

8 Pending civil application, if any, stands disposed of.

[T. V. NALAWADE, J.]