

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

31 WRIT PETITION NO. 1582 OF 2016

THE VILLAGE WATER SUPPLY AND SANITATION COMMITTEE SUGAON
THROUGH ITS PRESIDENT MADHAV ANANDRAO JADHAV

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr.Mukhedkar Amit A.
AGP for Respondents:Mr.P.S. Patil

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CORAM : R. M. BORDE & A. I. S. CHEEMA, JJ.
Date: February 08, 2016

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PER COURT :-

1 The petitioner is seeking declaration that, the resolution adopted by the Gramsabha in it's meeting dated 2.1.2016 is illegal and the same be quashed and set aside. The Appeal raising challenge to the resolution has been turned down by the Additional Collector. The President of the petitioner committee contends that, he was a member of the erstwhile village development committee and immediately after the general elections of the village panchayat, the constitution of the village development committee was changed and he is not part of the newly elected village development committee. It is contended that, since the petitioner was a member of a committee, which entered into the agreement with Zilha Parishad and the said agreement is valid for a period of two years and the aforesaid

period of validity of the agreement of two years is yet to come to an end, he is entitled to be continued as a member of the Village Development committee.

2 The argument is devoid of substance, since the petitioner does not have entitlement to continue after the general elections. In view of provisions of section 49(2) of the Maharashtra Village Panchayat Act, new development committee is required to be elected by Gramsabha and the same has already been elected. The agreement allegedly entered into earlier with Zillha parishad is valid since the same has been executed by a duly constituted committee and the said committee has continuity in law, although the constitution of the said committee may change.

3 Petition is devoid of substance and hence stands dismissed.

(A. I. S. CHEEMA, J.)

(R. M. BORDE, J.)