

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 2790 OF 2016

Laxman s/o Jairam Gore

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. H.K. Munde, advocate for petitioner.
Mr. S.B. Joshi, AGP for the State.

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**CORAM : R.M. BORDE &
SANGITRAO S. PATIL, JJ.
DATE : 1st DECEMBER, 2016.**

PER COURT :

Grievance raised by petitioner in the instant petition appears to have been redressed as has been disclosed in affidavit-in-reply presented on behalf of Zilla Parishad, Nanded. It is recorded in paragraphs 7 to 11 as below :

7. I say and submit that, the respondent no. 5 has issued directions to one Mr. Shivaji Dhawale, Extension officer, Panchayat Samiti, Kandhar for conducting an inquiry of C.C. Drain work carried out in respondent no. 8 village by order dated 19.11.2015. Accordingly, the Extension Officer has conducted the inquiry and submitted the Report dated 17.12.2015. It is submitted that, the funds are already sanctioned by the Government on the basis of Grant already sanctioned the funds have been released to the Gram Panchayat, Manaspuri. The respondent no. 7 and 8 have drawn the amount of Rs. 3,50,000/- but the expenditure were incurred to the tune of Rs. 1,82,654/-. Therefore, the amount of Rs. 1,67,000/- is not utilized and required to be recovered from the then Sarpanch and Gram Sevak.

8. I say and submit that, upon receipt of Inquiry Report, the present deponent has issued a show cause

notice dated 21.01.2016 to the then Gram Sevak and Sarpanch for depositing non-utilized amount sanctioned for the work of C.c. Drain. Thereafter, on 17.02.2016, the respondent no. 5 has sought permission from the respondent no. 3, Chief Executive officer to lodge complaints against the then Gram Sevak and Sarpanch if they do not deposited the non-utilized / misappropriated amount. Annexed hereto and marked as Exhibit "R-1" is a copy of letter dated 17.02.2016.

9. That, the then Gram Sevak has deposited the amount of Rs.99,000/- in the account of Gram Panchayat Manaspuri. It is submitted that, the then Gram Sevak Mr. R.B. Deshmukh has misappropriated the amount which has not been utilized with malafide intention, therefore, on 30.04.2016 the respondent no. 5 has permanently stopped two annual increments of Mr. Deshmukh and one annual increment for temporary one year of Mr. P.B. Dikkatwar is stopped as he has issued false certificate of no work carried out previously. Annexed hereto and marked as Exhibit "R-2" Colly are the copies of order dated 30.04.2016.

10. It is most respectfully submitted that, on 03.05.2016, the respondent no. 5 has issued show cause notice to Shivkanya Vishwanath Kide, the then Sarpanch of Village Manaspuri as to why the action should not be taken against you. Annexed hereto and marked as Exhibit "R-3" is a copy of show cause notice dated 03.05.2016.

11. I say and submit that, the then Gram Sevak Mr. R.B. Deshmukh has deposited the misappropriated amount of Rs.99,000/- in the account of Gram Panchayat Manaspuri and his two annual increments have also been stopped permanently. Annexed hereto and marked as Exhibit "R-4" is a copy of letter dated 09.06.2016.

2. Petitioner appears to have been aggrieved on account of defect in laying down drainage line by the Gram Panchayat which has resulted in carriage of drain water originating from the residence of petitioner outside the drainage line. Learned counsel for Gram Panchayat states on instructions that appropriate remedial measures would be taken if

petitioner co-operates the Gram Panchayat. Learned counsel for petitioner states on instructions that his client would co-operate and would permit the Gram Panchayat to make repairs in respect of drainage line.

3. Gram Panchayat may take appropriate steps for carrying out necessary repairs so that the grievance of petitioner would be redressed.

4. In view of above, writ petition is disposed of.

(SANGITRAO S. PATIL)
JUDGE

(R. M. BORDE)
JUDGE

dyb