

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

920 WRIT PETITION NO. 4035 OF 2015

GAMPU NAMDEO MANE
VERSUS
STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. V.D. Gunale
AGP for Respondents: Miss. S.S. Raut.

CORAM : S.V. GANGAPURWALA
& K.K. SONAWANE, JJ.
DATE : 5TH JULY , 2016.

PER COURT:

1] The petitioner assails notification constituting the Nagar Panchayat Chakur including village Saranwadi and appointment of administrator.

2] Notice to respondents. AGP waives notice for respondents.

3] Mr. Gunale submits that village Saranwadi is at a distance of 4 kms. from village Chakur. The population of village Saranwadi is 1000. The resolution is also passed by the Gram Panchayat, stating that separate Gram Panchayat be constituted for village Saranwadi. According to learned counsel, even the villagers, including the petitioner, have given representation to exclude the village Saranwadi from the area of Nagar Panchayat Chakur. However, the same is not considered and notification is issued. The population of village Saranwadi and its distance from village Chakur has not been considered.

4] Learned AGP states that the entire procedure has been followed while constituting Chakur Nagar Panchayat.

5] We have considered the submissions. The challenge to the notification, it appears, is only on the ground about the distance of said

village from Chakur and that the resolution is passed by the Gram Panchayat. Apart from the same, there is no challenge to the notification on the legal aspects of the matter. It is submitted that even the election of the newly constituted Nagar Panchayat Chakur including village Saranwadi has taken place and the said Nagar Panchayat has come in existence and is functioning with the aid of the democratically elected councillors/members.

6] Earlier the Group Gram panchayat of Saranwadi and Chakur existed. That time also, the distance between the two is same as it is today. That can hardly be a ground to oppose the formation of the Nagar Panchayat. Formation of Nagar Panchayat is a legislative act. The same can only be challenged on the grounds permissible to assail a legislation. The said grounds do not appear from the contents of the petition also. Apart from singular person, i.e. the petitioner, no other person has assailed the formation of the Nagar Panchayat.

7] In the light of above, writ petition is dismissed. No costs.

[K.K. SONAWANE]
JUDGE

[S.V. GANGAPURWALA]
JUDGE.

grt/-