

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

WRIT PETITION NO. 5226 OF 2013

Panlot Vikas Samiti (Watershed Committee)
Bolegaon, Through its President .. Petitioner

Versus

The Union of India and others .. Respondents

Shri Ravindra M. Deshmukh, Advocate for Petitioner.
Shri S. B. Deshpande, A.S.G. for the Respondent No. 1.
Shri A. M. Phule, A.G.P. for Respondent Nos. 2 and 6.
Shri V. R. Sonwalkar, Advocate for the Respondent No. 7.
Respondent Nos. 3 to 5 served.

**CORAM : S. V. GANGAPURWALA AND
A. M. BADAR, JJ.**

DATE : 25TH FEBRUARY, 2016.

PER COURT :

. Mr. Deshmukh, the learned counsel for the petitioner states that, the petitioner was elected as a Chairman of Panlot Vikas Samiti of village Bolegaon, Tq. Ghansavangi. He was elected as the President as per the Resolution passed by Gram Sabha on 01.05.2012. The learned counsel submits that, as per the Government Resolution dated 27th September, 2012 the State decided to constitute the Watershed Committee. As per the said Resolution sitting Sarpanch of the respective Gram Panchayat was made Chairman of the said Committee and three

sitting members of the Gram Panchayat were added to the list of Committee Members. The said Resolution was stayed by this Court. The petitioner is elected as the Chairman of said Watershed Committee as per the meeting dated 01.05.2012 conducted by the Gram Sabha. He is entitled to continue as Chairman and the Sarpanch ought not be replaced as Chairman of the said Committee. The petitioner has also given representations to the respondents, however, no action has been taken upon the same. The respondent No. 5 has opened the account of the subsequent Committee as such the present writ petition.

2. We have heard the learned counsel for the respective respondents and the learned Assistant Government Pleader.

3. The affidavit in reply is filed by the District Superintending Agriculture Officer. In fact the Resolution which is sought to be assailed by the petitioner is no longer in vogue. It is stated in the affidavit in reply that the Watershed Committee constituted on 01.05.2012 is not in accordance with the common guidelines and as such new Watershed Committee was constituted by Gram Sabha on 26.01.2013 and the same is functioning till now. The Committee constituted earlier of which the petitioner was elected as a Chairman was improper on many counts. The same was constituted even before the allotment of

the project. The authorization of the representative i. e. Mr. Korade was also not legal and proper. The constitution of the Watershed Committee on 01st May, 2012 was not intimated to WCDC as such the Committee had not become officially functional. The Committee had to open bank account in a nationalized bank. The same was not opened even after six months of the constitution of the Committee, nor the said Committee took initiative to register the society under the Societies Registration Act. It is further stated that, the new committee is already constituted and is functional since 2013. Even saving account of the said Watershed Committee is opened in Bank of Maharashtra on 13.06.2013 and the said Committee is now functioning.

4. Considering the above, no case for interference is made out. The writ petition is dismissed, no costs.

[A. M. BADAR, J.]

[S. V. GANGAPURWALA, J.]