

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

11 WRIT PETITION NO. 10767 OF 2015

ANUSAYABAI DNYANESHWAR RATHOD
VERSUS
THE ADDITIONAL COLLECTOR, JALNA AND ORS

Shri. A.R. Rathod, Advocate, for petitioner.

Shri. S.N. Kendre, Assistant Government Pleader, for
respondent No.1.

Shri. S.S. Tope, Advocate, for respondent Nos.2 and 3.

Shri. P.P. More, Advocate, for respondent No.4.

Shri. S.S. Thombre, Advocate, for respondent No.5.

CORAM: T.V. NALAWADE, J.

DATE : 29 AUGUST 2016

ORDER:

1) The petition is filed to challenge the order made by the learned Additional Collector Jalna in Case No.2015/Sasha/VPE/CR decided on 3-9-2015. Heard both the sides.

2) On 10-9-2014 the petitioner had given application to the Collector and he had informed that as per requirement of law the Sarpanch had not called Gram Sabha and no meeting of Gram Sabha was held and so he

has incurred disqualification and action needs to be taken to declare that he is disqualified. After receipt of this application, the Collector ordered Block Development Officer to make inquiry. The Block Development Officer went through the record, made some inquiry with some persons and he gave report that it is desirable that visit is paid on the spot and statements of Gram Panchayat members and villagers of the village are recorded as record of the meeting is having the signatures of the villagers and the record also shows that some meetings were held.

3) The Learned Additional Collector considered the report and the record collected by him and has made order of inquiry which is to be made by the Block Development Officer. He is advised to record statements of the persons shown as present in the meeting and ascertain as to whether meetings were held or not. Though some observations are made with regard to the lack of quorum in respect of two meetings, as fresh inquiry is ordered, there is no need to consider those observations at present.

4) Learned counsel for the respondent Sarpanch placed reliance on observations made by this Court in the case reported as MANU/MH/2304/2010 (**Nanasaheb v. Additional Collector, Parbhani**). In that case this Court referred to the relevant provisions like section 7 of the Act and relevant rules framed for the Gram Sabha. This Court observed that what is necessary is calling the meeting and if due to any reason the quorum was not complete as required by law, blame cannot be put on the office bearers.

5) Only because there is allegations that meetings were actually not held and some false record was created, inquiry is ordered by the authority. In view of these circumstances and existence of such record, this Court holds that it is not desirable to interfere in the order of inquiry made by the authority. The petition stands dismissed. The authority is expected to complete the inquiry within 3 months from today.

Sd/-
(**T.V. NALAWADE, J.)**

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