

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

Writ Petition No. 3486 of 2013

District : Nanded

Subhash s/o. Nanaji Abadwar,
Age : 40 years,
Occupation : Agriculture,
R/o. Madnapur, Taluka : Mahur,
District : Nanded,
& another.

.. Petitioners.

versus

The State of Maharashtra,
Through Secretary,
Urban Development Department,
Mantralaya, Mumbai - 32,
& 6 others.

.. Respondents.

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*Mr. D.J. Choudhary & Mr. L.S. Shaikh, Advocates,
for the petitioners.*

*Mr. A.P. Basarkar, Asst. Government Pleader, for
respondent nos.1 to 4.*

*Mr. V.S. Panpatte, Advocate, for respondent
nos.5 and 6.*

*Mr. Pradeep G. Tambode, Advocate, holding for
Mr. S.S. Jadhavar, Advocate, for respondent no.7.*

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

DATE : 17TH FEBRUARY 2016

COURT'S ORDER (Per S.V. Gangapurwala, J.) :

1. Heard the learned Counsel for the petitioners. He submits that respondent no.5 has not taken any action against respondent no.7 who is guilty of misappropriation. According to the learned Counsel, respondent no.7 has indulged in large scale misappropriation under various schemes. Respondent no.7 has manipulated the record. He has not obeyed the orders of the higher authorities. The authorities had recommended administrative action against respondent no.7. Still respondent no.5 did not follow statutory provisions and did not take any action against respondent no.7. As such, respondent no.5 be directed to take action against respondent no.7.

2. The learned Counsel for respondent no.7 submits that respondent no.7 has not committed any illegality. In fact, because of the work undertaken, Grampanchayat, Badnapur, has been awarded with 'Nirmal Gram Puraskar' with price of Rs. 50,000/-. The said Grampanchayat was also declared as 'Hagandari Mukta Grampanchayat' vide certificate dated 21-2-2012. According to the learned Counsel, under the political pressure, respondent no.7 is suspended by respondent no.5.

3. From the affidavit filed on record, it is clear that respondent no.5 has taken action against respondent no.7 and suspended the

respondent no.7 on 1-7-2013. Respondent no.7, at the relevant time, was Gram Sevak of Grampanchayat Madnapur and in the year 2012 was awarded with a price of Rs. 50,000/- under '*Nirmal Gram Puraskar*', so also the said Grampanchayat was declared as '*Hagandari Mukta Grampanchayat*' vide certificate dated 21-2-2012. Further action is taken by respondent no.5 by suspending respondent no.7.

4. Considering the aforesaid aspect of the matter, there is no necessity to pass any further orders in the present matter.

5. The Writ Petition, as such, is disposed of. No costs.

(A.M. BADAR)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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