

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1540 OF 2016

Smt. Rohini Ganesh Kothe

.. Petitioner

Versus

Shri. Sagar Ashok Bagul and others

.. Respondents

Mr. Sagar Kasar a/w Mr. Amol D. Wagh, for the Petitioner.

Mr. S. S. Patil, for the Respondent No.3A.

Mr. S. P. Thorat, for the Respondent No.4.

Mr. S. D. Rayrikar, AGP for the Respondent Nos.5 & 6.

CORAM : R.M. SAVANT, J.

DATE : 8th MARCH 2016

PC.

1. The writ jurisdiction of this Court is invoked against the order dated 19.06.2015 passed by the Collector, Thane, by which order, the Petitioner has been disqualified as a Sarpanch of the Gram Panchayat Khardi, Taluka Shahapur, District Thane. The said proceedings being Case No.96 of 2014 for disqualifying the Petitioner as a Sarpanch were founded on the report dated 26/30.06.2014 submitted by the Chief Executive Officer, Zilla Parishad, Thane to the Collector, Thane. The allegations against the Petitioner who was the Sarpanch were inter-alia founded on the ground that the Special General Body meeting called for considering the resignation of the member one Bhau Dattu Bagul dated 05.07.2013

could not culminate in any final decision in view of the defective agenda which was issued for the said meeting and as a consequence of which the said Special General Body meeting was required to be cancelled. The second allegation is that the resignation was not kept in the monthly meeting dated 25.07.2013 and in spite of the guidance of the Gat Vikas Adhikari, the Sarpanch had left the meeting half way on the ground that the resignation would be kept in the next meeting and the third allegation is that in spite of more than half members of the Gram Panchayat requisitioning a Special General Body meeting on 17.07.2013, such a meeting was not called. The Collector considered the report of the Chief Executive Officer as also the explanation submitted by the Petitioner. The Collector reached a conclusion that the Petitioner as a Sarpanch had defaulted in duties as such especially on the aspect of dealing with the resignation submitted by the said Bhau Dattu Bagul and also non-requisitioning the meeting though more than half of the members of the Gram Panchayat had requisitioned the same. The Collector accordingly rejected the application filed by the Petitioner questioning her disqualification.

2. It seems that after the Petitioner was disqualified as a Sarpanch, elections to the post of Sarpanch, Khardi Gram Panchayat were held and one Prashant Khardikar was elected as the Sarpanch in place of

the Petitioner. Since the elections to the Gram Panchayat as such were held in July 2011, the election would be due in around July 2016. In my view, therefore, no case for interference in the writ jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M. SAVANT, J]