

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

WRIT PETITION NO.1488 OF 2014

(Sau. Pushpatai Indrapalsingh Vaidya and others ..vs.. State of Maharashtra, through its Secretary,
Rural Development Department, Mumbai and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 17-06-2016

Heard Shri S.M. Vaishnav, Advocate for the petitioners, Shri K.R. Lule, Assistant Government Pleader for the respondent Nos.1 and 2 and Ms. Smita Dashputre, Advocate holding for Shri P.B. Patil, Advocate for the respondent No.3.

None appears for the respondent Nos.5 and 6 though served.

The respondent Nos.5 and 6 have filed complaint against the petitioners making grievance that the resolutions passed by the petitioners against the members of Gram-Panchayat, are not in the interest of Gram-Panchayat. The concerned authority has directed an enquiry under Section 39 of the Maharashtra Village Panchayats Act. The petitioners have filed preliminary objection contending that the passing of resolutions by the petitioners do not give cause of action to the complainants to make the complaint and the enquiry under Section 39 of the Maharashtra Village Panchayats Act on the basis of such allegations cannot be conducted.

The petitioners rely on the judgments given by this Court in the case of *Prabhakar Dhonge and others vs. Harichandra s/o Santoshrao Aaswale* reported in *2009(4) Mh.L.J. 850* and in the case of *Shri Shrikant Chahakar and others vs. State of Maharashtra and others* reported in *2010(4) ALL MR 752*. The submissions made on behalf of the petitioners relying on the above judgments, in my view, will have to be considered at the stage of the complaint. The challenges raised on behalf of the petitioners cannot be considered at this stage, as preliminary objection.

Keeping the challenges raised on behalf of the petitioners open to be considered by the authority at appropriate stage, the petition is disposed. In the circumstances, the parties to bear their own costs.

JUDGE

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