IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO. 8899 OF 2014

Vinod s/o. Shantilal Gugale,
Age 51 years, Occu. Business,
R/o. At Post Kolhar (B), Tq. Rahata,
Tq. Rahata, Dist. Ahmednagar. ....**Petitioner.**

Versus

1. The State of Maharashtra,
   Through its Principal Secretary,
   Rural Development Department,
   Mantralaya, Mumbai-32.

2. The Collector,
   Ahmednagar, Dist. Ahmednagar.

3. The Chief Executive Officer,
   Z.P. Ahmednagar, Dist. Ahmednagar.

4. The Block Development Officer,
   Rahata, Tq. Rahata, Dist. A'nagar.

5. The Gramsevak, Kolhar (B),
   Tq. Rahata, Dist. Ahmednagar.

6. Dr. Sanjay Kharde,
   Sarpanch Kolhar (B),
   Tq. Rahata, Dist. Ahmednagar. ...**Respondents.**

Mr. S.S. Chapalgaonkar, Advocate for petitioner.

Mrs. A.V. Gondhalekar, A.G.P. for respondent Nos. 1 and 2.

Mr. S.T. Shelke, Advocate for respondent Nos. 3 and 4.

CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.
DATED : February 20, 2017.

ORAL JUDGMENT :

Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.

2) The petition is filed for giving directions to respondents, particularly, to the Zilla Parishad, Chief Officer to make inquiry in to the so called illegality and irregularity committed by the Village Panchayat, Kolhar (B), Tahsil Rahata, District Ahmednagar. It is grievance of the petitioner, who is from the same village that the Village Panchayat has illegally granted discount of 20% in the tax, which was already levied without getting prior permission of the authority. It was orally submitted that the amount collected was not kept immediately in the account of Village Panchayat and for about one month, it was not deposited in the account of Village Panchayat and so, there has been temporary misappropriation of the amount.

3) The learned counsel for Village Panchayat took this Court though various provisions of the Bombay Village Panchayat Act and Rules therein. He showed to this Court particular procedure given for levying tax, for revision of tax and for variation of tax etc. and he submitted that such step was taken on the advise given by the Block Development Officer and resolution was passed in that regard in Gram Sabha.

4) Though apparently, there is power with the Village Panchayat, it appears that initially some tax was levied and after that, step was taken. There is other allegation also. Even the submissions made show that the amount of around Rs. Sixteen lakh will be involved, in case the loss was actually caused due to the decision.

5) In view of these circumstances, it is desirable that the authority like Chief Officer of

Zilla Parishad makes inquiry through proper officer to ascertain as to whether due to the aforesaid action of Village Panchayat, any loss is caused and whether the action was mala-fied. It is made clear that the authority need not go with the presumption that something had happened and action needs to be taken. There may be bona-fide mistake and irregularities and there may not be mala-fide intention and such possibility is expected to be kept in mind. So, the aforesaid authority is directed to to make inquiry and take the decision in the matter. Inquiry is to be done and decision is to be taken in four months.

Rule is made absolute in those terms.

[SANGITRAO S. PATIL, J.] **[T.V. NALAWADE, J.]**

ssc/