

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

WRIT PETITION NO. 10797 OF 2016

Vasant Nivrutti Matole and Others ..PETITIONER

VERSUS

Sanjay Narayan Matole and Others ..RESPONDENTS

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Mr. Narayan Matkar, Advocate h/f Mr. R.V. Gore, Advocate for petitioner.

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**CORAM : M.S. SANKLECHA, J.
DATED : 26th APRIL, 2017**

ORDER :

1. This petition challenges the order dated 27th June, 2016 passed by the Additional Commissioner, Aurangabad under Section 16(2) of the Maharashtra Village Panchayats Act, 1950 (Act). The impugned order has dismissed the petitioner's appeal from the order dated 30th April, 2016 of the Additional Collector and subsequently upheld the disqualification of the petitioner from continuing as member of the panchayat.

2. In terms of Section 14(1) (j-5) of the Act, a person would be disqualified from the membership of panchayat, if he/she fails to submit the certificate of the panchayat alongwith with resolution of the gram panchayat certifying that he resides in a house which has a toilet and he uses such

toilet. The failure to give a certificate as required under the statutory provisions leads to disqualification of the member from the panchayat. The proviso to Section 14(1) (j-5) of the Act states that the member cannot be disqualified under this clause if he submits such certificate i.e. the certificate of a panchayat alongwith resolution of the gram panchayat within a period of one year of the election. The admitted position is that the petitioner has not submitted necessary certificates as required in the statutory provisions.

3. Mr. Matkar, learned Counsel for the petitioner states that before the Appellate Authority the petitioner had filed the panchanama carried out by the villagers and a certificate issued by gram sevak to the effect that they are having a toilet. The impugned order rejects the submissions on the ground that resolution of gram sabha as required in terms of Section 14(1) (j-5) of the Act has not been provided and thus rejects the appeal. The impugned order is not in any manner perverse and/or without jurisdiction which would compel of issue of writ under Article 227 of the Constitution of India in supervisory jurisdiction.

4. In view of the above, petition is dismissed. No order as to costs.

(M.S. SANKLECHA, J.)

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