

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 660/2015

(GRAM PANCHAYAT AMDAPUR **VERSUS** PRINCIPAL SECRETARY, RURAL DEVELOPMENT & WATER
SUPPLY DEPARTMENT , MUMBAI & OTHERS)

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

Court's or Judge's orders

Shri U.K. Bisen, counsel for the petitioner.
Shri S.M. Ukey, Additional G.P. for the R-1.
Shri R.D. Bhuibhar, counsel for the R-6.

CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : MAY 03, 2017.

By this writ petition, the petitioner seeks a direction against the respondent no.1-State to conduct a departmental enquiry against the respondent no.2 to 11 and take appropriate action against them.

It is the case of the petitioner-Gram Panchayat, through its Sarpanch Ku.Sonutai Gawli that though funds were received by the Gram Panchayat in the year 2006 for utilization of the same for the purposes of the Gram Panchayat, the then secretary and the respondent nos.8 to 11 did not utilize the funds within the stipulated time, had mismanaged the affairs and had failed to discharge their official duties. In the aforesaid set of facts, the petitioner-Gram Panchayat through its Sarpanch Ku.Sonutai Gawli has sought the aforesaid relief.

It is brought to the notice of this Court by the learned counsel for the respondent no.6 by referring to the exhaustive affidavit-in-reply filed by the respondent nos.8 to 11 that the facts pleaded in the petition are seriously

disputed. It is further pointed out that nearly a couple of years earlier, Ku.Sonutai Gawli, ceased to be the Sarpanch of the petitioner-Gram Panchayat and a new Sarpanch is elected. There is no amendment to the writ petition and the Gram Panchayat has not further prosecuted the writ petition through the new Sarpanch. In fact, a copy of the resolution passed by the Gram Panchayat, after the new Sarpanch has assumed charge, is brought to the notice of this Court to point out that the Gram Panchayat does not have any grievance against the respondent nos.2 to 11. It is observed in the resolution passed in January-2016 that the previous Sarpanch Ku.Sonutai Gawli had unnecessarily filed the writ petition through the Gram Panchayat against the concerned respondents. We find that the petition appears to have been filed by the previous Sarpanch and the faction supporting her against the respondent nos.2 to 11. Despite the election of a new Sarpanch nearly a couple of years ago, the new Sarpanch has not decided to proceed with the petition. In this view of the matter, specially when several disputed questions of facts arise for consideration in this writ petition, we are not inclined to decide the issues therein. The petitioners are free to take up any other appropriate action, as may be permissible in law.

The writ petition is dismissed with no order as to costs.

JUDGE

JUDGE