

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1410 OF 2018
(Sudnyani w/o Ajay Misal Vs. The State of Maharashtra and others)

Mr.K.K.Kulkarni, Advocate for the petitioner.
Mr.S.K.Tambe, AGP for respondent Nos. 1 to 3.
Mr.S.N.Patne, Advocate for respondent No.4.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 14/02/2018

PER COURT :

1. The petitioner is aggrieved by the impugned order dated 11/12/2017 passed by the District Collector, Osmanabad declining to stay the proceedings in Gram Panchayat Case No.958/2017 on the ground that another complainant namely Smt.Chaya Balaji Shinde has approached the Additional Divisional Commissioner, Aurangabad in a separate proceeding u/s 39 of the Maharashtra Village Panchayats Act.

2. I have considered the submissions of the learned Advocate for the petitioner, for respondent No.4 and the learned AGP. Though *ex-facie* it appears that in connection with acts of misappropriation and failure to conduct the Gram Sabha or monthly meetings, proceedings can be initiated u/s 16(2) and u/s 39 of the Maharashtra Village

Panchayats Act.

3. Learned Advocate submits that as yet, there has been no ruling on this aspect as to whether two fora can be prescribed for dealing with issue of disqualification, though it does appear that u/s 16, a member of the Panchayat can be disabled from continuing as such and u/s 39, the Sarpanch or the Up-Sarpanch can be removed from his post upon being found guilty of a mis-conduct or having indulged in disgraceful conduct.

4. Nevertheless, the proceedings initiated against the petitioner by respondent No.4 are first in point of time and as such, the impugned order declining to stay the said proceedings cannot be termed as being perverse or erroneous.

5. This petition, being devoid of merit, is therefore, dismissed.

(RAVINDRA V. GHUGE, J.)