

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

WRIT PETITION NO. 9899 OF 2018

Aasha w/o Ganesh Borude

...PETITIONER

VERSUS

The State of Maharashtra & ors.

...RESPONDENTS

.....
Mr S.R. Patil, Advocate for petitioner
Mr P.S. Patil, Additional Government Pleader for
Respondent Nos. 1 to 3
Mr P.A. Bharat, Advocate for Respondent No. 4
.....

**CORAM: S.V. GANGAPURWALA AND
A.M. DHAVAL, JJ.**

DATED : 23rd January, 2019

ORAL ORDER :

1. We have heard the learned Counsel for the parties. The petitioner is assailing the validity certificate issued in favour of the respondent No.4. The respondent No. 4 is the elected member of the Panchayat and also holding the post of Sarpanch. The petitioner is a member of the village Panchayat.

2. According to the petitioner, the petitioner approached the Committee by filing the complaint for cancellation of the validity certificate.

3. It is only in case of fraud, the Committee can re-open proceedings. The petitioner has already approached the Committee. The Committee shall consider the application, the merits of the

application, the say of the respondent No. 4 herein and take a decision as to whether the proceedings are required to be re-opened or not.

4. It is only after the Committee takes a decision for re-opening the proceedings on the ground of fraud, then only the proceedings would be re-opened.

5. The petitioner and respondent No. 4 shall appear before the Committee on 18th February, 2019.

6. The writ petition is disposed of. No costs.

(A.M. DHAVALÉ, J.)

(S.V. GANGAPURWALA, J.)

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