

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

WRIT PETITION NO.10753 OF 2018

Sana w/o Adnan Sayyed

.. Petitioner

Versus

The State of Maharashtra and ors.

.. Respondents

Mr V.A. Dhakne, Advocate for petitioner

Mr S.B. Pulkundwar, A.G.P. for respondents no.1 to 4

Mr L.M. Kulkarni, Advocate for respondent no.5

**CORAM : S.V. GANGAPURWALA AND
ANIL S. KILOR, JJ.**

DATE : 30.09.2019

ORAL ORDER :

1. The validity issued in favour of respondent no.5 is assailed. We have heard learned Counsel Mr Dhakne for petitioner and Mr Kulkarni for respondent no.5.

2. Amongst the other grounds, one of the grounds agitated by the petitioner is that the validity has been issued to respondent no.5 without conducting the vigilance.

3. Learned Counsel for respondent no.5 submits that vigilance was conducted while validity was granted to the cousin brother of the petitioner. It is submitted that all the documents relied in the present case were not subject matter of vigilance at the time of issuing validity to cousin brother of the petitioner.

4. Vigilance apart from the veracity of the documents also includes home enquiry.

5. Considering the fact that the vigilance has not been conducted while granting validity to respondent no.5, we are inclined to remit the matter back to the Committee.

6. In light of the above, the impugned order is set aside. The parties are relegated before the Committee. The Committee shall direct vigilance to be conducted immediately. The Committee shall decide the validation proceeding afresh in respect of respondent no.5 within three months from the date of appearance of the parties.

7. The parties shall appear before the Committee on 7th October 2019.

8. As we are remitting the matter back on technical grounds and as the petitioner was already issued with the validity, the respondent no.5 needs to be protected. The respondent no.5 shall not be disqualified as a Sarpanch till the proceedings are decided by the Committee afresh.

9. Writ Petition is accordingly disposed of. No costs.

(ANIL S. KILOR, J.)

(S.V. GANGAPURWALA, J.)