

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

WRIT PETITION NO. 12489 OF 2018

Sau. Raubai Parmeshwar Kendre .. Petitioner

Versus

The Additional Divisional Commissioner
Aurangabad and others .. Respondents

Shri Sadashiv S. Shete, Advocate for the Petitioner.

Shri S. M. Ganachari, A.G.P. for Respondent Nos. 1 and 2.

Shri Ramchandra S. Patil, Advocate for the Respondent No. 4.

CORAM : S. V. GANGAPURWALA, J.

DATE : 04TH JANUARY, 2019.

FINAL ORDER :

. Mr. Shete, the learned advocate for the petitioner submits that, the petitioner is disqualified as a Sarpanch and as a member of the Gram Panchayat for the remaining period on the ground that the petitioner has issued cheque in favour of her husband. The learned advocate submits that the cheque though was issued in favour of the husband of the petitioner, same was issued for payment to one Ravi Traders who has carried out the work. The husband of the petitioner has no direct or indirect interest in the work. In view of that Sec. 14(1)(g) of the Maharashtra Village Panchayat Act, 1959 is not attracted. According to the learned advocate, those aspects are not

considered by the Collector in its correct perspective.

2. Mr. Patil, the learned advocate for the respondent No. 4 submits that, the Collector has rightly considered that, Sec. 14(1) (g) of the Maharashtra Village Panchayat Act, 1959 is correctly attracted. The petitioner has issued cheque of the Gram Panchayat in favour of her husband. The order is also implemented. Fresh elections have taken place and new Sarpanch is elected.

3. It is not disputed that the petitioner has issued cheque in favour of her husband. Same is from Gram Panchayat account. If the husband of the petitioner does not have direct or indirect interest in the work of the gram panchayat, the cheque could not have been issued in favour of the husband of the petitioner. The disqualification of the petitioner is only for remainder period.

4. Considering the above said aspects, the Collector has taken a plausible view. In the light of that, the writ petition is disposed of. No costs.

[S. V. GANGAPURWALA, J.]

bsb/Jan. 19