

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

25 WRIT PETITION NO.13864 OF 2019

VARSHA NANDKISHOR JADHAV

.. Petitioner

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

.. Respondents

...

Advocate for Petitioner : Shri S.S. Thombre
AGP for Respondents – State : Shri S.G. Sangle

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**CORAM: S. V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.**

DATE : NOVEMBER 19, 2019

PER COURT : -

1. Mr. Thombre, the learned counsel for the petitioner submits that the proceedings before the Addl. Commissioner u/s 39 (1) of the Maharashtra Village Panchayats Act, 1958 (hereinafter referred to as the 'Act') are vitiated. The enquiry has to be conducted by the CEO. In the present case, the CEO has not conducted the enquiry. Further, no proper and reasonable opportunity has been given to the petitioner. The petitioner had sought an appointment before the CEO. Same was also not granted. Without considering the say of the petitioner the report is submitted by the CEO to the Addl. Commissioner. The proceedings stand vitiated.

2. U/s 39(1) of Act, the Addl. Commissioner is the

competent authority to decide the proceedings. Before taking any decision, the Addl. Commissioner is required to hear the petitioner. The petitioner can raise all the grounds available to him before the Addl. Commissioner including that of the report submitted to the Addl. Commissioner. Naturally all the grounds raised by the petitioner would be required to be considered by the Addl. Commissioner while taking a decision.

3. As the proceedings are pending we are not interfering in the matter. It is made clear that we have not considered the contentions on merits.

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

[AVINASH G. GHAROTE]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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