

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.3995 OF 2019**

**Anita Popat Dhanwate and ors. : Petitioners.**

**Versus**

**Sahebrao Namdeo Borade and ors. : Respondents.**

**Mr. Pratik B Rahade for the Petitioners.**

**Mr. Purushottam G Chavan a/w Ms. Vaibhavi Mhaskar for Respondent  
Nos. 1 and 2.**

**Mr. S H Kankal, AGP for Respondent Nos. 3 to 5.**

**CORAM : S. S. SHINDE, J**

**DATE : 02<sup>nd</sup> April 2019**

**P.C.**

1           The above Writ Petition takes exception to the order dated 01/03/2019 passed by the Additional Commissioner, Nashik in Grampanchayat Appeal No.97 of 2019 by which order the Appeal filed by the Petitioners came to be dismissed. By order dated 16/10/2018 the Additional Collector, Nashik in Grampanchayat Vivad No.65 of 2018 disqualified the Petitioners on the ground of misuse of the funds of the Grampanchayat, which order came to be confirmed by the Additional Commissioner in the Appeal.

2           Heard learned counsel Mr. Pratik Rahade appearing for the Petitioners, the learned counsel Mr. Purushottam Chavan appearing for Respondent Nos. 1 and 2, and the learned AGP Mr. S H Kankal appearing for the Respondent/State.

3           The learned counsel appearing for the Petitioners submits that the order passed by the Additional Commissioner is without assigning the reasons, and therefore, needs to be interfered with. It is submitted that, when the order was passed by the Additional Collector, the Additional Collector has not categorically mentioned the involvement of the Petitioners nor the relatives of the Petitioners in the alleged contract. It is submitted that if the documents/material placed on record are perused, it is revealed that there is no nexus between the reasons assigned in the order by the Additional Collector and the report submitted by the Block Development Officer. The learned counsel for the Petitioners invites this Court's attention to the facts and grounds taken in the Petition as also the annexures thereto, and submits that the same deserves consideration.

4           On the other hand, the learned counsel appearing on behalf of Respondent Nos.1 and 2 has tendered across the bar the copy of the report submitted by the Block Development Officer to the District Collector and also the copy of the complaint filed by Respondent Nos. 1 and 2, as also the copy of the notice issued to the Petitioner and other Grampanchayat members seeking their explanation in relation to the grievance of Respondent Nos.1 and 2 as reflected in the complaint filed by them. The compilation also includes the copies of receipts of payments made to the relatives of the Petitioners.

5           Relying upon the findings recorded by the Additional Collector, and the copies of the documents which are the part of compilation tendered across the bar, the learned counsel for Respondent Nos.1 and 2 submits that the payments towards the contract have been received in the names of the relatives of the Petitioners. The learned counsel for Respondent Nos.1 and 2 invites this Court's attention to the various receipts which are the part of the compilation tendered across the bar and submits that the said receipts would clearly demonstrate that the son of Petitioner No.1 has received the amount which was disbursed towards the contract work, the son of Petitioner No.2 also received the amount, as also Petitioner No.3 himself received the amount in whose favour a cheque was issued. The learned counsel for Respondent Nos.1 and 2 lastly submits that in view of the concurrent findings recorded by the authorities below, the impugned orders do not require any interference at the hands of this Court and the above Writ Petition may be dismissed.

6           The learned AGP appearing for the Respondent/State adopts the submissions made by the learned counsel for Respondent Nos.1 and 2. However, he submits that since both the authorities below have recorded concurrent findings, this Writ Petition may be dismissed.

7           Upon hearing the learned counsel appearing for the parties and

upon careful perusal of the findings recorded by the Additional Collector which have been confirmed by the Additional Commissioner, as also the copies of the receipts which are the part of the compilation tendered across the bar by the learned counsel appearing for Respondent Nos.1 and 2, there is no hesitation to hold that the amount disbursed towards the contract i.e. the road work etc, was received in the names of the relatives of Petitioner Nos.1 and 2, and the cheque in the name of Petitioner No.3. On careful scrutiny of the findings recorded by the Additional Collector, which are confirmed by the Additional Commissioner, it can be said that the said findings appear to be inconsonance with the material on record and report submitted by the Block Development Officer to the District Collector. The view taken by the authorities below is a plausible view. Once this Court is satisfied that the findings recorded by the authorities below are inconsonance with the documents/material brought on record, the said findings cannot be said to be perverse. No case is made out for interference in the writ jurisdiction of this Court. The above Writ Petition is accordingly dismissed.

**[S. S. SHINDE , J]**