

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 922/2019

Usha P. Karmankar

..VS..

Addl. Commissioner & ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.D. Katkade, Advocate for the petitioner
Ms. K.R. Deshpande, AGP for the respondent/State
Shri H.N. Potbhare, Advocate for the respondent no. 6

CORAM : Z.A.HAQ, J.
DATED : 27/06/2019

In the proceedings initiated at the behest of the present petitioner for declaration that the respondent no. 6 cannot continue as member of the Gram Panchayat, the subordinate authorities have concurrently held that the petitioner has failed to prove that the respondent no. 6 has encroached on the government land. At the time of hearing of this petition, the advocate for the petitioner submitted that the respondent no. 6 has resigned and now is not member of the Gram Panchayat, and therefore the proceedings have become infructuous. It is pointed out that the fact that respondent no. 6 has resigned is stated in para no. 2 of the petition also.

As the respondent no. 6 has resigned and presently is not member of the Gram Panchayat, the challenges raised in this petition does not require consideration.

The learned advocate for the petitioner submitted that the respondent no. 6 resigned as member of the Gram Panchayat after he got elected as member of the Panchayat Samiti, Rajura in April 2017, and if there is declaration in the present proceedings that the respondent no. 6 is disqualified to continue as member of Gram Panchayat, he can be disqualified to continue as member of Panchayat Samiti, Rajura.

The issue as to whether the petitioner can continue as member of the Panchayat Samiti, Rajura or not is not the subject matter of this petition.

In the above facts, the petition is **disposed** as infructuous. In the circumstances, the parties to bear their own costs.

JUDGE

Ansari