

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.4994 OF 2019

Vanita Dilip Bhende, Jasapur, Tq. Chandur Bazar, Dist. Amravati

-vs-

Divisional Commissioner, Amravati Division and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Nilesh A. Gawande, Advocate for petitioner.
Shri S. B. Bissa, Assistant Government Pleader for
respondent No.1.
Shri R. S. Suryawanshi, Advocate for respondent No.2.

CORAM : A. S. CHANDURKAR, J.

DATE : November 13, 2019

The order dated 08/04/2019 passed by the Divisional Commissioner rejecting the application that was moved by the petitioner under Section 155 of the Maharashtra Village Panchayats Act, 1959 (for short, the said Act) is under challenge.

The Gram Panchayat passed a resolution on 10/10/2018 resolving to construct a foot bridge between the two houses of the residents of the Gram Panchayat. According to the petitioner who is the Sarpanch the location of that foot bridge was not proper and it was required to be constructed at a short distance from where it was so proposed to be constructed. The petitioner therefore moved an application under Section 155 of the said Act before the Divisional Commissioner. That application has been rejected on the ground that

provisions of Section 155 of the said Act were not attracted considering the nature of work proposed.

Heard the learned counsel for the parties. Under provisions of Section 155 of the said Act, the State Government has the jurisdiction to examine the proceedings of the Gram Panchayat or of any Officer for the purpose of satisfying itself as to the legality or propriety of any order passed and it can so revise or modify such order. In the present case the work in question of constructing the foot bridge is being carried out by the Public Works Department. The jurisdiction to examine the record of proceedings by the Commissioner under Section 155 of the said Act would be with regard to the proceedings of the Panchayat Samiti or any officer in relation thereto. The petitioner does not seek revision or modification of any order passed by the Gram Panchayat but as to the manner in which the resolution passed by the Gram Panchayat was being implemented by the Public Works Department. It has therefore rightly been observed by the Divisional Commissioner that he cannot exercise jurisdiction in the matter.

With liberty to the petitioner to seek redressal of his grievance before the appropriate Authority, the writ petition stands dismissed. No costs.

JUDGE