

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

WRIT PETITION NO. 5232 OF 2019

(SUDHAKAR BALAKRAM MADAVI & OTH....VS.. ADDITIONAL COMMISSIONER, NAGPUR & OTH.)

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

Court's or Judge's orders

Shri S.S.Chawhan, Advocate for Petitioners.

CORAM : Z.A.HAQ, J.

DATED : JULY 29, 2019.

Heard.

The authorities have disqualified the petitioners from continuing as members of Gram Panchayat on the ground that they have failed to pay the property tax within time, in spite of service of demand notice on them.

The contention of the petitioners is that the procedure laid down by the Government order dated 6th April 1996 is not followed by the Gram Panchayat.

The other ground is that the petitioners are residing in the properties owned by the joint families or in-laws.

There is no dispute that the demand notices were served on the petitioners and they failed to pay the property tax within time, after service of the demand notice. The government order dated 6th April 1996 cannot whittle down the rigour and mandate of Section 14(1)(h) of the Maharashtra Village Panchayats Act, 1958 and it being an admitted position that the petitioners failed to pay the property/Gram Panchayat taxes within time in spite of service of demand notice, the non-compliance of the government

order dated 6th April 1996 cannot come to the rescue of the petitioners.

The petitioner cannot wriggle out of the mandate of Section 14(1)(h) of the Act of 1958 on the ground that the properties in which they are residing are not owned by them, but they belong to their in-laws or joint families, it being admitted position that the petitioners are residing in the concerned property.

I find that the authorities have dealt with all the relevant aspects and have rightly exercised jurisdiction vested in them. I see no reason to interfere with the impugned orders.

Hence, the writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE

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