

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

938 WRIT PETITION NO.2756 OF 2019

RAVINDRA UTTAM RAJPUT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

.....
Advocate for Petitioner : Mr. Choudhari N. L.
AGP for Respondents 1 and 2: Mr. A.B. Chate
Advocate for Respondents 3 and 4 : Mr. N.N. Desle
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CORAM : V. K. JADHAV, J.
DATED : 12th MARCH, 2020

PER COURT:-

1. By consent of the parties, heard finally at admissions stage.
2. The petitioner was Up-Sarpanch of village Hendrun during the relevant time. He had taken charge of Sarpanch on account of disqualification incurred by earlier Sarpanch Chhotyabai Shatrughna Malich. However, said Chhotyabai came to be re-elected on 16.2.2016. It is a part of record that as per 14th Finance Commission, 10% of the amount of fund is to be kept reserved for administration and technical expenditure. However, though Chhotyabai came to be re-elected on 16.2.2016, the petitioner herein without any authority, has illegally withdrawn the amount of Rs.1,10,000/- under his signature in collusion with Gramsevak. The Chief Executive Officer, Zilla Parishad, Dhule has conducted inquiry as contemplated under the provisions of Section 39 of the Maharashtra Village Panchayat Act, 1958 and recorded a finding against the petitioner. Though

learned counsel for the petitioner has vehemently submitted that the said re-elected Sarpanch Chhotyabai is responsible for entire alleged misappropriation, I do not find any substance in it. It is a part of record and it also reveals from the enquiry conducted by the Chief Executive Officer that the said amount has been illegally withdrawn under the signature of the petitioner, who had no authority to withdraw the said amount, when the said Chhotyabai came to be re-elected as Sarpanch.

3. In view of above, I find no fault in the impugned order. There is no substance in this writ petition. The writ petition is hereby dismissed.

(V. K. JADHAV, J.)

rlj/