

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3314 OF 2020

VARSHA NANDKISHOR JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for the Petitioners : Shri S. S. Thombre
AGP for Respondent Nos. 1 and 2 : Shri N. T. Bhagat

...
CORAM : RAVINDRA V. GHUGE, J.

DATED : 26th FEBRUARY, 2020

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PER COURT :

1. This matter was not on board. Grave urgency was expressed by the learned Advocate for the Petitioner and hence, this matter was taken on the production board.

2. The grievance of the Petitioner is that, though the proceedings are today pending before the Additional Divisional Commissioner - 2 Aurangabad, the learned Division Bench of this Court had earlier noticed that the enquiry to be conducted under Section 39(1) of the Maharashtra Village Panchayat Act, 1958 by the Chief Executive Officer of the Zilla Parishad, was not conducted by the CEO and the

proceedings were vitiated. The learned Division Bench, therefore, considered that the Additional Commissioner is the competent authority to decide the proceedings and before taking any decision in the matter, he would hear the Petitioner. All grounds available to the Petitioner were kept open for the Additional Commissioner to consider.

3. It is in the above backdrop that the proceedings are before the Additional Divisional Commissioner.

4. The learned Advocate for the Petitioner vehemently submits that the Chief Executive Officer, Zilla Parishad has not conducted the enquiry and had directed the Block Development Officer to conduct the enquiry.

5. The learned AGP submits that the CEO has utilized the machinery and mechanism available at his disposal and has prepared the 11 pages report.

6. Akin to the directions of the learned Division Bench dated 19/11/2019 in Writ Petition No. 13864/2019, this Court need not go into the said issue

at this stage and all contentions of the Petitioner can be kept open for the Additional Divisional Commissioner to consider.

7. I am not required to express any opinion on the rival submissions of the parties as all their contentions can surely be considered by the Additional Divisional Commissioner in view of the earlier order dated 19/11/2019.

8. This petition is, therefore, disposed off keeping all contentions of the parties open to be considered by the Additional Divisional Commissioner on its own merits.

9. It is expected that the Additional Divisional Commissioner shall deal with each of the contentions / objections of the litigating sides and deliver a reasoned order.

(RAVINDRA V. GHUGE, J.)

shp/-