

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

931 WRIT PETITION NO.8343 OF 2018

RAJU NATHUSING RAJPUT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Sugdare A.D.
AGP for Respondents : Mr. S.B. Yawalkar
Advocate for Respondent No.3 : Mr. A.A. Jagatkar
Advocate for Respondent Nos.4 & 5 : Mr. A.A. Devakate
...

**CORAM : Z.A. HAQ &
S.M. GAVHANE, JJ.
DATED : 26TH FEBRUARY, 2020.**

PER COURT:-

. The learned advocate for respondent nos.4 and 5 submitted that during the pendency of this petition, respondent no.4 who was elected as Sarpanch of the Gram Panchayat is removed from the office in view of the no confidence motion passed against her. The learned advocate for respondent no.3, at the time of hearing, has placed on record copy of enquiry report submitted by the Block Development Officer, Panchayat Samiti in December 2018 concluding that no irregularity or illegality was found as alleged against respondent nos.4 and 5.

2. In view of the fact that respondent no.4 is removed from the office of Sarpanch, there cannot be any action as per Section 39 of the Maharashtra Village

Panchayat Act. The tenor of the petition shows that the challenge of the petitioner is on the basis of Section 39 of the Maharashtra Village Panchayat Act.

3. In the above facts, the claim made by the petitioner in this petition against respondent no.4 cannot be considered.

4. As far as the grievance of the petitioner that enquiry is not being conducted against respondent no.5, we find no substance in it. The enquiry report submitted by the Block Development Officer in December 2018 shows that enquiry is conducted against respondent no.5. However, if the petitioner still has any grievance in the matter, he is at liberty to approach the Divisional Commissioner pointing out any fault in the enquiry report submitted by the Block Development Officer in December 2018.

5. With the above liberty, the petition is disposed. In the circumstances, the parties to bear their own costs.

(S.M. GAVHANE, J.)

(Z.A. HAQ, J.)