

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

REVIEW APPLICATION NO. 54 OF 2020
IN
WRIT PETITION NO. 6988 OF 2016 (D)

(Pandurang Mahadeorao Makrampure & Ors.

Vs.

Additional Commissioner, Amravati Division, Amravati & Ors.)

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

Court's or Judge's orders

Shri S.D. Chopde, Advocate for the Petitioners.
Shri A.A. Madiwale, AGP for the Respondent Nos. 1 & 2.

CORAM: RAVINDRA V. GHUGE, J.

DATED : 28th January, 2020.

1. On 22.01.2020, I had passed the following order:

“1] All these eight applicants were the petitioners before this Court in Writ Petition No.6988/2016. By judgment dated 07.01.2020, their petitions have been dismissed and their disqualification has been sustained.

2] Issue is as regards a disqualification under Section 14(1)(h) of the Maharashtra Village Panchyats Act, as these petitioners were found to be defaulters. Vide the order dated 07.01.2020, this Court dealt with all the pleadings of the litigating sides and noticed that these petitioners were served with bills for payment of taxes and all of them have paid their taxes in between 01.03.2016 and 31.03.2016, which is much beyond the period of three months i.e. statutorily available.

3] The learned Advocate for the petitioners submits that they wish to canvass an issue before this Court that they had never received the bills. The

learned Advocate however, has no answer when called upon to state as to how did the petitioners pay the exact amounts of taxes mentioned in the bills, in between 01.03.2016 and 31.03.2016.

4] The learned AGP submits that this ground i.e. 'these petitioners never received the bills or the bills were never served upon them', was not pressed any time before and this is coming up as a new submission. This issue was raised in the petition, but the petitioners chose to give up the said issue and there were no submissions.

5] Considering the above, I found it appropriate to pre-empt the petitioners as to the consequences if a statement made in the review application turns out to be false. I have informed the learned Advocate for the petitioners that if the records available with the Gram Panchayat authorities would indicate that the bills were served upon these applicants petitioners, through permissible modes, it would amount to a fraud being played by these applicants on the Court and in which case they would be liable to pay Rs.1,00,000/- each as costs. They should file an affidavit to this extent that they are willing to face such consequences and then proceed with the review application since they cannot be permitted to take a chance before this Court only because their elected term is expiring on 10.05.2020.

6] In view of the above, stand over to 28.01.2020 in the urgent admissions supplementary board. If the applicants make a statement on oath that they are willing to face the consequences, this review application may then be considered on its merits.

7] It is made clear that there shall be no interim relief to the applicants and the pendency of this application shall not be a ground for postponing any election."

2. The learned Advocate for the review petitioners submits that he has made an effort to have an exchange of thoughts with the petitioners by involving the learned briefing Advocate. It appears that

the petitioners do not desire to express their view and make any statement before this Court and this petition can be disposed off.

3. Considering the above, this Review Petition is **disposed** off.

CIVIL APPLICATION (CAO) NO. 137 OF 2020

Pending Civil Application 137/2020 would not survive and stands **disposed** off.

(Ravindra V. Ghuge, J.)