

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**WRIT PETITION NO. 2264 OF 2020**

(Krushi Udyog Mahila Bachat Gat, Chandewani, Tahsil – Karanja (Ghadge), District Wardha  
thr. its Secretary Seema w/o Ulhas Mohod vs. The Commissioner (Supply), Nagpur  
Division, Nagpur & Ors.)

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

Court's or Judge's orders.

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Shri S.S. Dhengale, Advocate for the petitioner.

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**CORAM : R.K. DESHPANDE &**  
**PUSHPA V. GANEDIWALA, JJ.**  
**SEPTEMBER 17, 2020.**

Hearing was conducted through Video Conferencing and the learned counsel for the petitioner agreed that the audio and visual quality was proper.

This petition claim reliefs as under :

*“i) Direct the respondent No.5- Secretary, Grampanchayat, Chandewani, Tah. Karanja (Ghadge) and the proposed or would be chairman of the Gramsabha to take the voting by show of hands of the ladies member present for voting in the meeting of Gramsabha to be convened in view of letter dated 22/1/2020 (Annexure-H) issued by Tahsildar, Karanja (Ghadge), District –*

*Wardha,*

*ii) Grant stay to the proposed Gramsabha meeting at Grampanchayat, Chandewani, Tah. Karanja (Ghadge), District- Wardha, during the pendency of the present petition;*

*iii) Grant ad-interim ex-parte stay in terms of prayer clause (ii) above.*

*iv) Direct that the respondent No.4- Savita Ajay Ingle, Sarpanch Grampanchayat, Chandewani, shall not preside over as the Chairman of the proposed Gramsabha as two competitors Bachat Gats namely Ayushi Mahila Bachat Gat and Jijau Mahila Bachat Gat are having members closely related to respondent no.4- Sarpanch, Chandewani;*

*v) Direct the respondent nos.4- Savita Ajay Ingle, Sarpanch Grampanchayat, Chandewani and respondent No.5- Secretary, Grampanchayat, Chandewani, Tah. Karanja (Ghadge) to convene the meeting of Gramsabha in view of letter dated 22/1/2020 (Annexure-H) issued by Tahsildar, Karanja (Ghadge), District-*

*Wardha, by issuing notices to all the six applicants seeking allotment of fair price shop by informing the time, date and place of the meeting.*

*vi) Grant any other relief which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."*

The learned counsel points out to us that earlier a Writ Petition was filed in this Court being Writ Petition No. 1204 of 2020 which was decided on 03.03.2020. The order passed by this Court in the said writ petition is reproduced below :

*"The petition seeks direction to the respondent No. 4 to issue notices for allotment of fair price shop and hold the meeting. Further direction claimed that the respondent No. 4 shall not preside over as the Chairman of the proposed Gramsabha as two competitors Bachat Gats namely Ayushi Mahila Bachat Gat and Jijau Mahila Bachat Gat are having members closely related to respondent No. 4 – Sarpanch, Chandewani.*

*2) We cannot insist upon the respondents to carry out the process of allotment of fair price shop. So far as the*

*relief in terms of prayer clause (iv) is concerned, the Bachat Gats whose members are said to be the relatives of the respondent No. 4, have not been joined as a party respondent. Similarly, the Sarpanch against whom the allegations are made, is not joined personally as a party respondent to this petition.*

*3) With the above observations, Writ Petition is dismissed.”*

This matter pertains to allotment of fair price shop by Mahila Gramsabha. The petitioner claims that the respondent No. 4 should not preside over the meeting of allotment of fair price shop, though she is the Sarpanch of Gram Panchayat. Earlier petition filed for the same relief was dismissed. The material facts giving rise to cause of action are missing from the petition. When such meeting for allotment is to be held is not stated. How the petitioner is qualified for allotment is not stated. The procedure for allotment is not stated. The persons who are the relatives of Sarpanch are not joined as party respondents. The filing of this petition is an abuse of the process of Court.

Liberty is granted to the petitioner to file fresh petition subject to deposit of Rs.50,000/- (Rs.

Fifty thousand only).

This order be communicated to the learned counsel appearing for the parties, either on the e-mail address or on Whatsapp or by such other mode, as is permissible in law.

**JUDGE**

**JUDGE**

\*GS.