

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 4111 OF 2021****Pratin Arun Korgaonkar ... Petitioner****Versus****The State of Maharashtra and others ... Respondents**

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Mr. Ashok S. Pandire for the Petitioner.**Ms. M.P. Thakur, AGP for the State.****Mr. Ramesh D. Rane for Respondent Nos.2 and 3.****Ms. Sarika Shetye for Respondent Nos.4 and 5.**

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**CORAM : S.J. KATHAWALLA AND
MILIND N. JADHAV, JJ.****DATED : AUGUST 31, 2021.****P.C. :-**

1. Mentioned out of turn.
2. By the above Petition, the Petitioner seeks the following reliefs :

“(a) This Hon’ble Court be pleased to issue a Writ of Mandamus, orders, directions under Article 226 of Constitution of India or any other appropriate writ and/or directions in the nature of writ of mandamus and thereby direct the Respondent No.2 to 4 to produce the record and proceeding in respect of irregularities and misappropriation done by Grampanchayat Bhogve in the year of 2018-2019 of Audit report of village of Grampanchayat Bhogve, Tal. Vengurla, Dist. Sindhudurg of in the interest of justice;

(b) This Hon’ble Court be pleased to issue a writ of mandamus, orders, directions or any other appropriate writ in that nature, directing to the

Respondent No.2 and Respondent No.3 to conduct detailed enquiry and submit Enquiry report before this Hon'ble High Court in respect of the irregularities or error from the audit report in the year 2018-2019 related to the functioning of village of Grampanchayat Bhogave, Tal. Vengurla, Dist. Sindhudurg in the interest of justice;

(c) This Hon'ble Court be pleased to direct the Respondent No.2 and 3 to decide the complaint application filed by Petitioner against the Respondent No.4 and 5 the Sarpanch / Gramsevak Grampanchayat Bhogave, Tal. Vengurla, Dist. Sindhudurg within time bound in the interest of justice;

(d) This Hon'ble Court be pleased to issue a writ of mandamus, orders, directions or any other appropriate writ in that nature, directing the Respondent No.2 and 3 to take appropriate action against the Respondent No.4 and 5. The Sarpanch/Gramsevak Grampanchayat Bhogave, Tal. Vengurla, Dist. Sindhudurg in the interest of justice;"

3. The Learned Advocate appearing for Respondent Nos.2 and 3 has forwarded a letter dated 30th August, 2021 received by him from Respondent No.2 - Chief Executive Officer, Zilla Parishad, District : Sindhudurg informing him as follows :

"The Petitioner's Representation dtd. 28/02/2021 to the undersigned, about taking cognizance of the written complaint dtd. 14/02/2021 given by him to the Resp. No.3 the Block Development Officer, Vengurla, Tal. Vengurla, Dist. Sindhudurg in respect of alleged irregularities and misappropriation from the Audit Report related to the functioning of Grampanchayat Bhogave in the year 2018-2019 will be enquired, within 4 weeks, by holding Enquiry in accordance with law, by giving proper opportunity to the Petitioner and all the concerned, and an appropriate decision and action will be taken by taking into consideration the said Enquiry Report."

4. The Learned Advocate appearing for Respondent Nos.4 and 5 i.e. Sarpanch and Gramsevak states that Respondent Nos.4 and 5 have no objection if any enquiry is

instituted against them as provided in the letter dated 30th August, 2021. In view of the statements made in the letter dated 30th August, 2021 by the Chief Executive Officer, Zilla Parishad, District : Sindhudurg, which are accepted by this Court, no further orders are required to be passed.

5. The above Writ Petition is accordingly disposed off with a clarification that all contentions of the parties are kept open.

(MILIND N. JADHAV, J.)

(S.J. KATHAWALLA, J.)