

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO.5589 OF 2021**

Hidayat Ahemad Nadaf ... Petitioner

Versus

The State of Maharashtra & Ors. ... Respondents

Mr.Manoj Patil for the Petitioner.

Mr. R.D.Rane for Respondent Nos. 2, 3 and 4.

Mr.S.S.Shah i/b. Mr. Swaroop Karade for Respondent No. 5.

Ms.S.D.Vyas, B Panel Counsel for the State.

**CORAM : S.J. KATHAWALLA, &**  
**MILIND N. JADHAV, JJ.**  
**DATE : 11TH OCTOBER, 2021**

**P.C. :**

1. By the above Writ Petition, the Petitioner inter alia seeks the following reliefs :

“(b) This Court be pleased to issue appropriate Writ, Order and / or directions and to direct Respondent No. 5 to take necessary penal action against Respondent No. 6 as per order / direction of Block Development Officer, Panchayat Samiti, Shirol dated 4<sup>th</sup> November, 2020 based on G.R. dated 4<sup>th</sup> January, 2017 issued by the Rural Development Department, Government of Maharashtra.

(c) This Court be pleased to issue appropriate Writ, Order and /

or direction and to direct Respondent Nos. 3 to 5 to take appropriate steps of penal action against Respondent No. 6 in accordance with law for the alleged act of fraud and misappropriation of amount in the capacity of Grampanchayat Clerk of Mouje Udgaon, Taluka – Shirol, District – Kolhapur.

(d) This Court be pleased to issue appropriate Writ, Order and / or directions and to direct Respondent Nos. 2 to 4 to take necessary penal action against the Gramvikas Adhikari of Mouje Udgaon, Taluka – Shirol, District – Kolhapur for deliberate and intentional non compliance of the order / direction dated 4<sup>th</sup> November, 2020 issued by Respondent No. 4 / Block Development Officer, Panchayat Samiti, Shirol.

(e) This Court be pleased to issue appropriate Writ, Order and / or direction and to direct Respondent Nos. 1 to 4 to take necessary administrative action, disciplinary action against the Respondent No. 5 / Gramvikas Adhikari of Mouje Udgaon, Taluka – Shirol, District – Kolhapur for negligence to take action inspite of direction of Respondent No. 4 and for failure to discharge the duties in the capacity of Gramvikas Adhikari and to take necessary administrative action, disciplinary action and initiate criminal prosecution against Respondent No. 6 / Grampanchayat Clerk for the alleged act of fraud and misappropriation of an amount of Rs.39,124/-.

(f) During the pendency and final disposal of the present Writ Petition, this Court be pleased to direct Respondent No. 5 to take necessary penal action against Respondent No. 6 as per order / direction of Block Development Officer, Panchayat Samiti, Shirol dated 4<sup>th</sup> November, 2020 based on GR No. 4<sup>th</sup> January, 2017 issued by the Rural Development Department, Government of Maharashtra.”

2. On 24<sup>th</sup> September, 2021, this Court passed the following Order :

“1. Respondent No. 6 - Smt. Surekha Shashikant Gadadu has admittedly misappropriated funds of the Grampanchayat Udgaon. Though a report is submitted by Respondent No. 5 - Grampanchayat Udgaon to the Respondent No. 4 - Block Development Officer, Panchayat Samiti, Shirol, pointing out the misappropriation of the Grampanchayat funds by the Respondent No.6, the Block Development Officer who is required to file an FIR in this regard has not done so and has attempted to delegate his responsibility to Respondent No. 5. Though, Respondent No. 4 was served with a copy of the above Writ Petition, he failed to appear before this Court. We therefore directed Respondent No. 4 to appear before this Court through video conferencing.

2. Respondent No. 4 is now present before this Court through video conferencing. The excuse given by him for not appearing earlier is that his Affidavit was not ready. An Officer of the rank of Respondent No.4 is not expected to give such an answer for not remaining present in Court. His conduct is therefore, strongly deprecated. When Respondent No. 4 was asked as to why he has not filed an FIR against Respondent No. 6 till date, he states that Respondent No. 5 – Grampanchayat Udgaon had informed him that an FIR be filed after the accounts are audited. In view thereof, Respondent No. 4 is directed to get the relevant accounts audited within a period of one week from today. Upon the accounts being audited, Respondent No. 4 shall forthwith file an FIR against Respondent No. 6.

3. Stand over to 10th October, 2021 to report compliance.”

3. Today, compliance report dated 10<sup>th</sup> October, 2021 has been filed by Respondent No. 4 – Block Development Officer, Panchayat Samiti, Shirol, Taluka – Shirol, District – Kolhapur. The Order dated 24<sup>th</sup> September, 2021 has been complied with.

4. We expect the Authorities to strictly comply with the GR's / circulars (in this case Circular dated 4<sup>th</sup> January, 2007) so that individuals like the Petitioner are not compelled to knock the doors of this Court seeking directions against the Authorities to comply with their own GR's / Circular's.

5. The above Writ Petition is accordingly disposed off.

**(MILIND N. JADHAV, J. )**

**( S.J. KATHAWALLA, J. )**