

Bhogale

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3657 OF 2021

Vishnu Krushna More

.. Petitioner

vs.

Divisional Commissioner Konkan
Division and ors.

.. Respondents

Mr. Sagar Ganpat Talekar for the Petitioner.

Mr. S.H. Kankal, AGP for the State.

CORAM : M.S.KARNIK, J.

DATE : AUGUST 3, 2021

P.C.:-

Heard learned counsel for the parties.

2. It is the Petitioner's case that he was appointed as a Sarpanch in the year 2018. According to learned counsel the Respondent No.4 who is not even a voter of the concerned Gram Panchayat made a complaint to the Commissioner seeking removal of the Petitioner from the office of Sarpanch. It is his submission that proceedings instituted before the Respondent No.1-Divisional Commissioner are not maintainable. According to learned counsel, the Respondent No.4 is not a voter and therefore the complaint at his instance is not maintainable.

Learned counsel next submits that the Commissioner has not indicated as to whether the enquiry which has been instituted is a suo-motu one or on the basis of the complaint made by the Respondent No.4.

3. Learned AGP opposed the Petition as pre-mature as the proceedings are still pending before the Respondent No.1. He submits that all these contentions raised by learned counsel can well be agitated before the Respondent No.1.

4. I find substance in the contention of learned AGP. The proceedings before the Respondent No.1 are pending. All the contentions which have been raised in this Petition can well be taken up before the Respondent No.1 which obviously shall be dealt with by Respondent No.1 on its own merits and in accordance with law.

5. Keeping this liberty to the Petitioner open and keeping all contentions raised in this Petition open, the Writ Petition is disposed of.

(M.S. KARNIK, J.)