

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7366 OF 2021**

Shital Prabhakar Sonawane ... Petitioner
Versus
State of Maharashtra and Ors. ... Respondents

Mr. N.N.Gawankar with Mr. Manas N. Gawankar, for Petitioner.
Mrs. Neha Bhide, 'B' Panel Counsel, for State.
Mr. C.G.Gavnekar with Mr. Ashutosh Gavnekar, for Respondent Nos.2 to 4.

**CORAM: S.J. KATHAWALLA &
MILIND N. JADHAV, JJ.**

DATE: 15th NOVEMBER, 2021

P.C.:

1. The Petitioner who is a duly elected Sarpanch of Devad Grampanchayat, Taluka Panvel, Dist. Raigad has filed the above Writ Petition inter alia seeking the following relief :

- “(a) That this Hon’ble Court may kindly be pleased to pass the Writ of mandamus and certiorari and/or any other appropriate writ, order and direction and may kindly quash and set aside the order 20/09/2021 passed by Respondent No.5 i.e. the Commissioner, Konkan Division, Navi Mumbai;
- (b) That this Hon’ble Court may kindly be pleased to stay the proceeding and action in view of the order 20th September, 2021 passed by the Respondent No.5 i.e. the Commissioner, Konkan Division, Navi Mumbai;
- (c) That this Hon’ble Court be pleased to issue direction to take action against concerned officer to hold inquiry and to take appropriate action against officer of the respondent for initiating deliberately intentionally conducted illegal action against petitioner;”

2. The learned Advocate appearing for the Petitioner has submitted that the Petitioner has not responded to the Notice dated 12th October, 2021 issued by the Dy. Chief Executive Officer, Zilla Parishad, Raigad because the said notice is issued without following the procedure prescribed under Section 39(1)(ii) of the Maharashtra Village Panchayat Act, 1958.

3. Admittedly, the Petitioner at this stage is allowed to perform his functions as a Sarpanch, Grampanchayat, Devad and by the said Notice, she is only required to answer the same. We are therefore, of the view that the Petitioner should answer the notice and the Court should not interfere at this stage. We therefore, pass the following order :

(i) A copy of the Reports dated 22nd June, 2021 and 2nd September, 2021 submitted by Respondent No.4 under Section 39 of the Act, be forthwith provided to the Petitioner.

(ii) Time to answer Notice dated 12th October, 2021 is extended by two weeks from today.

(iii) All contentions of the Petitioner are kept open.

(iv) In the event of any adverse orders being passed by Respondent No.5 against the Petitioner, the same shall not be acted upon for a period of four weeks from the date of receipt of the same by the Petitioner and/or his Advocate to enable the Petitioner to impugn the same if so advised.

(v) The Writ Petition is accordingly disposed of.

(MILIND N. JADHAV, J.)

(S.J.KATHAWALLA, J.)