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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4164 OF 2020

Maroti Sheshrao Kendre

PETITIONER

VERSUS

The State of Maharashtra and Others

RESPONDENTS

WITH

CIVIL APPLICATION NO. 608 OF 2021

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Mr. Vaibhav B. Kulkarni, Advocate for the petitioner
Mr. S. W. Munde, AGP for respondent - State
Mr. G. N. Chincholkar, Advocate for respondent No.4
Mr. Babasaheb A. Dhengle, Advocate for intervenors

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 1st MARCH, 2022

ORDER :

1. Civil Application No. 608 of 2021 filed for intervention is allowed.
2. The petitioner is aggrieved by the order of disqualification passed against him under sections 14(A), 7 and 36 of the Maharashtra Village Panchayat Act, 1958, by respondent No. 2 – Collector, Jalna.
3. The petitioner came to be elected in the General Elections

of Village Panchayat, Dhagi, Taluka and District – Jalna, as Sarpancha. Respondent No. 4 filed a dispute application before respondent No. 2 – Collector on 7th November, 2019. The Collector allowed the dispute and disqualified the petitioner by the impugned order dated 31st January, 2020.

4. Learned advocate for the petitioner assailed the impugned order on three grounds: first that, no proper notice was served on the petitioner informing him about the charges and the copy of the complaint was also not served on him; secondly, only on one date hearing has taken place before respondent No.2 and on the same day the matter was closed and the impugned order disqualifying the petitioner is passed, thus, no sufficient opportunity of hearing was given to the petitioner and thirdly, he contends that respondent No.2 ought to have identified as to which meetings were held validly under the category for monthly meetings and Gram Sabhas and only thereafter respondent No.2 could have drawn his conclusion as regards short falls in the number of meetings under these heads. He, therefore, submits that the impugned order is unsustainable and the same is liable to be quashed and set aside. In support of his submissions, he places reliance on *"Pratibha Sanjay Hulle V/s Additional Collector & ORs" 2010 (4) Bom.C.R. 700*; *"Sunil Daulat Patil V/s State of*

Maharashtra and Others” 2014 (2) Mh.L.J. 597, and Tukaram Krushnaji Parve V/s State of Maharashtra and Others” 2015 (3) Mh.L.J. 652.

5. Learned advocate for the respondents and the intervenors, on the other hand supported the impugned order contending that sufficient opportunity was afforded to the petitioner and there is no substance in the challenge raised by the petitioner in this writ petition. Learned Assistant Government Pleader supports the impugned order.

6. Record indicates that on the basis of the earlier complaint, an inquiry was conducted by the Extension Officer on 25th September, 2019, wherein it is revealed that no monthly meetings or Gram Sabhas of the Gram Panchayat Dhagi, Taluka and District - Jalna were held during the period from 1st April, 2019 to 25th September, 2019. On the basis of the said report and the record available, respondent No.2 has rightly come to the conclusion that the petitioner has committed default in conducting monthly meetings and Gram Sabhas and disqualified the petitioner on that ground. The petitioner has neither contended before respondent No. 2 that he has conducted monthly meetings and Gram Sabhas during the period from 1st April, 2019 to 25th September, 2019 nor he has placed anything

on record to show that he has conducted said meetings during that period.

7. It is clear from the Roznama that the first date of hearing before respondent No. 2 was on 3rd December, 2019. No hearing could take place on that day. Thereafter, the matter was heard on 10th December, 2019. On that date the petitioner was present and he has orally argued the matter. This is reflected in the Roznama, which is signed by the petitioner. At the time of hearing, no grievance was made by the petitioner that no notice, disclosing charges and copy of the complaint is served on him. There is substantial procedural compliance by the respondents and, therefore, it is not possible to accept the submission of the petitioner that there was no proper service of notice and copy of the complaint was not served on him. The decisions in "**Pratibha Sanjay Hulle**" and "**Sunil Dault Patil**" (*supra*), are, therefore, not applicable to the facts of the present case.

8. Since in the present case, it is a matter of record that between 1st April, 2019 and 25th September, 2019, neither monthly meetings nor Gram Sabhas were held, the ratio in "**Tukaram Krushnaji Parve**" (*supra*), is not helpful to the case of the petitioner, as the said case was decided in different facts.

9. The record further indicates that Crime No. 308 of 2018 for the offence punishable under sections 7 and 12 of the Prevention of Corruption Act (Amended), 2018 is registered against the petitioner in Kadim Police Station, Jalna, as the petitioner was caught red handed while accepting bribe.

10. Considering the peculiar facts of the present case and for the aforestated reasons, this Court is of the considered view that no case is made out by the petitioner to interfere in the order impugned in the present writ petition. Writ petition, being devoid of any substance is dismissed. No costs.

[NITIN B. SURYAWANSHI]
JUDGE