

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

WRIT PETITION NO. 8076 OF 2022

Himmat Bajirao Jadhav Petitioner
v/s.
The State of Maharashtra and ors. Respondents

Mr. Nagesh Y. Chavan for the Petitioner.
Mr. Swapnil Telang i/b. Mr. Umesh Mankapure for R.Nos.4 and 5.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 07th DECEMBER, 2022.

P. C. :-

. By the present Petition, the Petitioner has challenged the order dated 22/02/2022 passed by the Respondent No.1 dismissing the Appeal bearing No.VPM-2021/PK-78/PR-6 arising from the order dated 12/10/2021 passed by the Respondent No.2 – The Divisional Commissioner, Pune Division, Pune in proceeding bearing No.Development/VP/SR-27-2020.

2. Heard learned counsel for the Petitioner and learned counsel for the Respondents. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The Petitioner had filed a compliant alleging that the Respondent

No.5 who was duly elected Sarpanch of Village Alasand had committed several acts of misappropriation and fraud. He had alleged that the son of Respondent No.5 was interfering with day to day affairs of the Panchayat and taking the decisions on behalf of Respondent No.5. The Authorities below have recorded that there is no merit in the said allegation. The Chief Executive Officer in its reply dated 20/08/2020 has also noted that the removal of Respondent No.5 from the post of Sarpanch on this ground would be inappropriate.

4. The Respondent No.5 was elected as a Sarpanch for a term of five years from 15/11/2017 to 14/11/2022. The term has come to an end and Section 39 of Maharashtra Village Panchayat Act, 1958 does not provide for dis-qualification beyond the term. Considering the above facts and circumstances, there is no merit in the Petition and is accordingly dismissed.

PREETI
H JAYANI

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PREETI H JAYANI
Date: 2022.12.23
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(SMT. ANUJA PRABHUDESSAI, J.)