

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 2040 OF 2022

Purushottam Shivaji Mogal,
Age 44 years, Occupation – Agriculturist,
R/o Changefal, Tq. - Sindkhed Raja,
District – Buldhana.

.... **PETITIONER**

VERSUS

1) Additional Commissioner,
Amravati.

2) Additional Collector,
Buldhana.

3) Devidas Bhaurao Mogal,
Age 36 years, Occupation – Agriculturist,
R/o Changefal, Tq. - Sindkhed Raja,
District – Buldhana.

4) Secretary,
Gram-Panchayat, Changefal,
Tq.-Sindkhed Raja, District – Buldhana.

.... **RESPONDENTS**

Mr. A.J. Kadu, Counsel for the petitioner,
Mr. N.R. Rode, A.G.P for respondents 1 and 2.

CORAM : ROHIT B. DEO, J.

DATED : 18th APRIL, 2022

ORAL JUDGMENT :

Heard. **Rule.** Rule is made returnable forthwith. With consent,
the petition is heard finally.

2. Challenge is to the concurrent view of the Additional Collector, Buldhana and the Additional Commissioner, Amravati, that respondent 3, who is the elected Member of the Gram-Panchayat, is not disqualified to hold the office as was contended by the petitioner herein.

3. The petitioner preferred an application dated 16-10-2018 on the short ground that respondent 3 received an amount of Rs.12,000/- (Rupees Twelve Thousand) for construction of toilet, and is, therefore, disqualified in view of the provisions of Section 14(1)(g) of the Maharashtra Village Panchayats Act.

4. The first authority has found, after considering the record, that respondent 3 had constructed the toilet even prior to the election held in October, 2017. Respondent 3 had applied for subsidy under the 'Swachha Bharat Mission' and that the amount of Rs.12,000/- (Rupees Twelve Thousand) was deposited in his bank account on 04-4-2018. Similar finding is recorded by the appellate authority-Commissioner.

5. Both the authorities have rightly held, that the fact that the amount of subsidy is deposited in the account of respondent 3 after he is elected as Member of the Gram-Panchayat, is not sufficient to attract the provisions of Section 14(1)(g) of the Act.

6. I see no error in the concurrent view, which is impugned herein.
7. The petition is dismissed.

JUDGE

adgokar