

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

WRIT PETITION NO.526 OF 2019

Shri Kamalkishor s/o Kantilal Jain
Age 45 years, Occu: Agriculturist,
R/o Chondhi, Tq. Patur,
Dist. Akola.

..... **PETITIONER**

...V E R S U S...

1. Shri Rama alias Ramdas s/o Vasant
Thakre, Age 40 years,
Occu: Agriculturist, R/o Chondhi,
Tq. Patur, Dist. Akola.
2. Secretary Gram Panchayat,
Chondhi, Tq. Patur, Dist. Akola.
3. The Divisional Commissioner,
Amravati Division, Amravati.
4. The Collector, Akola,
Tq. And Dist. Akola.

..... **RESPONDENTS**

Mr. A. J. Thakkar, Advocate for Petitioner.
Mr. V. B. Bhise, Advocate for Respondent 1.
Mr. M. A. Kadu, AGP for Respondents 3 & 4/State.

CORAM: **ROHIT B. DEO, J.**
DATE: **8th MARCH, 2022.**

ORAL JUDGMENT:

Respondent 1 is the elected Sarpanch of Gram
Panchayat, Chondhi.

2. Petitioner lodged the complaint alleging that since after the election, to be precise on 08.12.2017, respondent 1 Sarpanch received Rs.30,000/- (Rupees Thirty Thousand) as the balance amount of subsidy under the Pradhan Mantri Awas Yojana (PMAY), he is disqualified.

3. While the Collector agreed with the contention of the respondent, the Commissioner as the appellate authority has held that the Sarpanch is not disqualified.

4. I see no reason to interfere in writ jurisdiction.

5. I note that the Commissioner has recorded a finding that while the respondent 1 did attend the meeting of the Gram Panchayat, a collective decision was taken by the body of which the Block Development Officer (BDO) was a part. Indeed, the entitlement to the benefit under the scheme is not in question. The Collector has rightly recorded a finding that the respondent 1 has not abused or misused the office. In so far as the provisions of Section 14 (1)(g) of the Maharashtra Village Panchayats Act to which a reference is made by the learned counsel Mr. Thakkar, I am satisfied that in the factual matrix obtaining, the said

provision has no application. The petition is dismissed.

JUDGE

NSN