

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1805 OF 2023

LATABAI YEDU SONWANE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
SECRETARY AND OTHERS

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Advocate for the Petitioner : Ms.Sushma T. Jadhav
AGP for Respondents 1 to 5/State : Shri P.S. Patil
Advocate for Respondent 6 : Shri A.D. Aghav

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CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.

DATE :- 20th April, 2023

Per Court :-

1. On 10.04.2023, we had passed the following order:-

- “1. Leave to add Zilla Parishad, Ahmednagar through its Chief Executive Officer, as Respondent No.6. Addition be carried out forthwith.
2. The Petitioner was a defeated candidate in the elections of Bhenda (Kh) Gram Panchayat, held on 05.09.2015. On the issue of submission of election expenses, the Petitioner was disqualified on the ground that the statement of election expenses was not tendered within 30 days in the form in which it was mandated to be submitted under the provisions of the Maharashtra Village Panchayats Act, 1958. By an order dated 04.09.2017, the Divisional Commissioner, Nashik came to a conclusion that the Petitioner had tendered her statement

of election expenses precisely within the frame work of law and it was the office of the District Collector, who ignored relevant documents while concluding that she had not tendered the statement of expenses. Therefore, by order dated 04.09.2018, in the said Gram Panchayat Appeal No.286 of 2017, the Divisional Commissioner directed the Ahmednagar District Collector to initiate action against the erring officers.

3. *The Petitioner approached this Court in Writ Petition No.7820 of 2019. It was observed in paragraph no.2 vide order dated 27.06.2019 as under :-*

“2. The enquiry, it appears was conducted. It was held that, the Tahsildar and also Naib Tahsildar are not responsible for the negligence. Now it is submitted that, it is the election officer who is responsible for negligence and it was deliberate act of the election officer. In the petition also we do not find pleading about deliberate act of the election officer in not forwarding election expenses. Moreover it is for the authority to take action, if any act of negligence or misconduct appears of any authority. If Sub Divisional Officer has passed some orders, it is for the officers concerned to take appropriate steps. The petitioner cannot be said to have personal interest in the same. The Sub Divisional Officer has submitted the report dated 01.04.2018 to the Collector. It is for the Collector in his wisdom to take further steps as is permissible in law.”

4. *We have perused the various communications from the office of the District Collector to the Petitioner, as well as to the Zilla Parishad. The Zilla Parishad is called upon to initiate action against Shri P.B. Deshmukh. Four years have passed by and yet the action is incomplete.*

5. *Since the learned Advocate appears on behalf of the Zilla Parishad, Ahmednagar, we requested him to cause an appearance so as to take instructions and address the Court on the next date.*
6. *Stand over to 20th April, 2023 in “passing orders” category.”*

2. Today, the learned Advocate representing the Zilla Parishad submits that Respondent No.4 is now conducting re-enquiry considering the statements made by certain officers when the earlier enquiry was conducted.

3. The learned AGP submits that Respondent No.4 would conduct the enquiry strictly in accordance with the procedure laid down in law.

4. In view of the above, we direct that Respondent No.4 shall complete the enquiry within 90 days from today. A compliance report shall be placed before us on 01.08.2023.

5. With the above directions, **the Writ Petition is disposed off.**

kps (SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)