

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.9803 OF 2023
IN
WRIT PETITION NO.2105 OF 2023**

Govind s/o Narsingh Dhotre ... **APPLICANT**

VERSUS

1. The State of Maharashtra
for Rural Development Department
Mantralaya Mumbai – 32
through the Secretary
2. The Divisional Commissioner
Aurangabad, Aurangabad Division
Tq. & Dist. Aurangabad
3. The District Collector Aurangabad
Tq. & Dist. Aurangabad
4. The Tahasildar Gangapur
Tq. Gangapur Dist. Aurangabad
5. Zilla Parishad Aurangabad
Tq. & Dist. Aurangabad
through Chief Executive Officer
6. The Block Development Officer
Panchayat Samiti Gangapur
Tq. Gangapur, Dist. Aurangabad
7. Grampanchayat Kasoda
Tq. Gangapur, Dist. Aurangabad
through the Gramsevak
8. The State Election Commission
Maharashtra New Administrative Building,
Madam Kama Road, Hutatma Rajguru Chouk
Mumbai through the Commissioner ... **RESPONDENTS**

...
Advocate for the petitioner : Mr. Gandhi Amol Subhash
AGP for respondent/State : Mr. S.B. Yawalkar
...

**CORAM : MANGESH S. PATIL &
S.G. CHAPALGAONKAR, JJ.**

DATE : 31.08.2023

PER COURT :

Heard the learned advocate for the petitioner as also the learned AGP. By way of this application the applicant who is the original petitioner from the writ petition is seeking modification of the order dated 20.02.2023 passed while disposing of the writ petition.

2. It is being pointed out that the petitioner was seeking dissolution of the Gram Panchayat in view of resignation by several members and pursuant to the provisions of Section 145 of the Maharashtra Village Panchayat Act, 1959. It is pointed out that on a statement made by the learned AGP, the District Collector, Aurangabad was directed to take appropriate decision. It is now being pointed out that since the Collector was not taking any decision petitioner had moved in contempt. The Collector filed an affidavit-in-reply and has in paragraph No.6 made following statement :

“6. I say and submit that in view of the provisions of section 145 1(A) of the Maharashtra Village Panchayat Act, 1959, the deponent has submitted a proposal dated 21.03.2023 to the State Government through Rural Development Department, thereby proposing the dissolution of the Grampanchayat, Kasoda, Tq. Gangapur in accordance with the provisions of section 145 1(A) of the Maharashtra Grampanchayat Act, 1959. A Copy of the proposal dated 21.03.2023 submitted by the deponent to the Rural development Department of the Government of Maharashtra is annexed herewith and marked as EXHIBIT ‘R-1’.”

3. The learned advocate for the petitioner, therefore, submits that necessary correction be made in the order and a direction be given to the State Government to take a decision.

4. Learned AGP submits that the matter is now pending with the

Government.

5. In the light of the above facts, we modify the order dated 20.02.2023. Instead of respondent No.3 – District Collector, Aurangabad, we direct the State Government to take appropriate decision in the light of the provisions of Section 145 1(A) of the Maharashtra Village Panchayat Act, 1959.

6. The application is disposed of.

7. The State Government shall now take the decision as expeditiously as possible and in any event within four weeks.

(S.G. CHAPALGAONKAR, J.)

(MANGESH S. PATIL, J.)