

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

WRIT PETITION NO.13718 OF 2023

**RUKMINIBAI GORAK THAKRE BHIL ALIAS
RUKHMABAI GORAKH THAKRE
VERSUS
STATE OF MAHARASHTRA THROUGH BLOCK
DEVELOPMENT OFFICER**

...
Advocate for the Petitioner : Ms.Sanyukta N. Suryawanshi i/by
Shri Sanket N. Suryawanshi
AGP for Respondent 1 : Shri A.V. Deshmukh, AGP a/w Shri S.R.
Dheple i/by Shri Rahul Pawar, Advocates
...

**CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.**

DATE :- 01st November, 2023

Per Court :-

1. The Petitioner is before this Court as against the order dated 04.09.2023 issued by the Block Development Officer, Panchayat Samiti, Dhule and subsequent notice issued by the same officer dated 06.10.2023 directing the Petitioner to deposit the purported misappropriated amount of Rs.10,50,000/- failing which, criminal proceeding would be initiated.
2. The Petitioner has tendered a detailed reply to the Block Development Officer on 19.10.2023. She has made an

attempt to indicate that she has not misappropriated any amount and the issue needs to be investigated as to whether, the contractors and other colleagues of the Petitioner, are involved in this misappropriation.

3. It is trite that disputed issues and questions cannot be considered by this Court. Whether, the Petitioner has misappropriated the amount or whether, it could be the contractors or beneficiaries or colleagues of the Petitioner from the elected bodies, who may be involved in the misappropriation, are all disputed issues. Since the Block Development Officer has issued the notice to the Petitioner and the Petitioner has tendered the reply on 19.10.2023, it would be appropriate for the Block Development Officer to pass an order considering the reply of the Petitioner. Besides the above, the Petitioner is at liberty to avail of a statutory remedy as against the notice of the Block Development Officer, if permissible in law.

4. Needless to state, the Block Development Officer shall supply the documents asked for by the Petitioner, unless any of such documents are irrelevant and unconnected to the dispute. Thereafter, the Petitioner may file an additional reply within 15 days and the Block Development Officer, thereafter,

would proceed to pass a final order.

5. By keeping the aforesaid liberty open, **this Writ Petition is disposed off.**

6. We make it clear that we have not expressed any opinion as regards the issue raised by the Petitioner in this petition and the disposal of this petition would not be an impediment for the Petitioner to avail of any statutory remedy as is permissible in law.

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)