

Jvs.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO. 149 OF 2019

Dhamapur Vikas Samitee	}	Petitioner
Versus		
The State of Maharashtra & Ors.	}	Respondents

JAYANT
VISHWANATH
SALUNKE

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JAYANT VISHWANATH
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Mr. Milind Ingole for the petitioner.

Mr. P. P. Kakade, Government Pleader with Ms. R. A. Salunkhe, AGP for respondents 1 to 4 (State).

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ.
& ARIF S. DOCTOR, J.**

DATE: 23rd AUGUST 2023

P.C.:

- 1.** Heard learned counsel for the petitioner and the learned Government Pleader for the State of Maharashtra.
- 2.** By instituting the present PIL petition under Article 226 of the Constitution of India, the petitioner, which is a Society, has primarily sought a direction to be given to the concerned respondents for taking action against the member/members of the Dhamapur Gram Panchayat for the alleged embezzlement of public funds from 2007 to 2015.
- 3.** The petitioner has also prayed that appropriate direction may be issued to the Chief Executive Officer for initiating the proceedings for disqualification under section 14 of the Maharashtra Village Panchayat Act, 1959 (for short "the Act of 1959") and also to direct the respondent no. 3 to take action against such member(s) of the Gram Panchayat and appoint an Administrator.

4. So far as the prayer for issuing a direction for initiating proceedings for disqualification under section 14 of the Act of 1959 is concerned, no direction, at this juncture, is warranted in that regard for the reason that the term of the Gram Panchayat has already come to an end. Similarly, the prayer for issuing direction for appointment of Administrator also has lost its efficacy by efflux of time. Even otherwise, as per the submission of the petitioner, the term of the Gram Panchayat has also come to an end in the year 2015 though the proceedings of this petition were instituted in the year 2019. In that view as well, the prayers made vide prayer clauses (d) to (f) are redundant.

5. As regards the prayer for taking action against the alleged embezzlement of public funds, we notice that the petitioner had made an application dated 30th November 2018 to various authorities, including the Collector, Ratnagiri. The said application dated 30th November 2018 has been annexed as Exhibit 'H' to this writ petition. However, fate of the said application is not known.

6. Our attention has been drawn to the provisions contained in section 178 of the Act of 1958, which empowers the Collector to fix liability of the members of a Gram Panchayat for loss, waste or misapplication. However, such liability can be fixed only if the Collector is satisfied of loss, waste or misapplication of any money or other property of the Gram Panchayat. The Collector is also required to record his satisfaction only after giving the member concerned a reasonable opportunity for showing cause.

7. Having regard to the aforesaid facts and circumstances of the case and also taking into account the fact that since 2015, much time period has elapsed, we dispose of this PIL petition with a direction upon the Collector, Ratnagiri to consider and decide the application dated 30th November 2018 said to have been filed by the petitioner, if the same was received by the office of the Collector, within a period of 2 (Two) months from the date a certified copy of this order is furnished in the office of the Collector. In case the decision on the said application dated 30th November 2018 has already been taken prior to passing of this order, the same shall be communicated to the petitioner. We also provide that in case any decision is taken now on the application dated 30th November 2018, the same shall also be communicated to the petitioner.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)