

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

WRIT PETITION NO.842/2023

Sharad s/o Suryabhanji Makde

...Versus...

Nilesh s/o Shridhar Dafre and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri S.R. Bhongade, Advocate for petitioner
Mrs. M.A. Barabde, AGP for respondent nos.2 and 3

CORAM : AVINASH G. GHAROTE, J.

DATE : 06/02/2023

1. Heard Shri S.R. Bhongade, learned counsel for the petitioner and Mrs. M.A. Barabde, learned Assistant Government Pleader for the respondent nos.2 and 3/State.
2. The petition questions the order dated 25/02/2022, passed by the respondent no.3, disqualifying the petitioner, under Section 14 (1) (g) of the Maharashtra Village Panchayats Act from holding the membership of Grampanchayat Kaotha (Masala) Tah. Kamptee. The respondent no.2, in appeal, has maintained the order.
3. Shri Bhongade, learned counsel for the petitioner does not dispute, what has happened, as is indicated in para 2 of the order dated 23/01/2023, passed by the respondent no.2 (pg.115). It is his only contention that the contract was not

allotted by the petitioner, but was granted by the Block Development Officer and the only job which was done by the petitioner was to tender the documents of his brother, to whom the work was awarded, to the Block Development Officer.

4. Had that been the only position, perhaps, I would have interfered in the impugned order, however, since the position, as indicated in para 2 of the order (pg.115) that the petitioner in pursuance to the aforesaid work, which was allotted to his brother, of which the documents were submitted by him, without waiting for any approval, has made a payment of Rs.5,10,840/- from the general fund to his brother against the aforesaid work, that by itself is enough to indicate in conjunction with what has been stated above, regarding the satisfaction of the requirement of Section 14 (1) (g) of the Maharashtra Village Panchayats Act. The petitioner being an elected member, cannot claim ignorance of the restrictions, which are put upon him, in consonance with which, he has to act while holding the public office.

5. That being the position, I do not see any reason to interfere in the impugned order. The writ petition is, therefore, dismissed. No order as to costs.