

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Misc. Civil Application (Review) No. 167 of 2023

in

Writ Petition No. 8009 of 2022 (D)

[Sau. Dipmala Sanjay Wankhade ..vs.. Divisional Commissioner, Amravati Division, Amravati
and ors.]

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

Court's or Judge's orders

Mr. D. G. Gawande, Advocate for the applicant/original respondent 5
Mr. S. M. Ukey, Addl. G.P for respondents 1 and 5

**CORAM : ROHIT B. DEO AND
Y. G. KHOBRAGADE, JJ.**

DATED : 13-2-2023

This application is preferred seeking review of the
judgment dated 13-1-2023 in Writ Petition 8009/2022.

2. According to the applicant, who is original
respondent 5, the apparent error in the judgment is that
the objection as regards the tenability of Writ Petition
8009/2022 is not considered.

3. The objection to tenability was on the ground that
the issue was finally decided by the learned Single Judge
in Writ Petition 1547/2022.

4. The objection to tenability is as frivolous as an
objection could be.

5. While deciding Writ Petition 1547/2022 in which the order dated 7-3-2022 rendered by the Hon'ble Minister allowing the appeal preferred by respondents 6 to 10 therein, was impugned, the learned Single Judge permitted the concerned authority to proceed to initiate appropriate action in accordance with law. The backdrop was that the action initiated was not in accordance with the mandate of Section 39(1) of the Maharashtra Village Panchayats Act, 1959 which envisages that the enquiry shall be conducted by the Chief Executive Officer, as is also held in *Nimba Yadav Bhoi Vs. President, Standing Committee, Zilla Parishad, Jalgaon and ors. [2002(3) Mh.L.J. 466]*.

6. In so far as Writ Petition 8009/2022 is concerned, the grievance was that after the judgment of the learned Single Judge, there is, as a fact, an enquiry conducted by the Chief Executive Officer and no step is taken pursuant to such an enquiry. In this view of the matter, Writ Petition 8009/2022 was partly allowed by directing the concerned authority to decide case 55/MVP1959/Section 39(1)/Gaigaon-Balapur-Akola/2022, dated 26-04-2022 in a stipulated time.

7. Present review applicant – respondent 5 as well as the petitioner were granted liberty to challenge the ultimate decision which may be taken by respondent 1. We see no error in the judgment impugned. The review application is dismissed with costs.

(Y. G. Khobragade, J.)

(Rohit B. Deo, J.)

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