



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

WRIT PETITION NO. 2686 OF 2013

1. Dwarkabai w/o. Vishwanath Kudar,
Age 55 years, Occu. Household,
 2. Ganesh s/o. Rustum Sonni,
Age 43 years, Occu. Agril.,
Both R/o. Borgaon Jahagir,
Tq. Bhokardan, Dist. Jalna
 3. Sunil s/o. Motiram More,
Age 23 years, Occu. Service,
Presently serving as Gramsevak
Tadakalas, Tq. Bhokardan,
District Jalna
- .. Petitioners

Versus

1. The State of Maharashtra
Through District Collector, Jalna
 2. The Zilla Parishad, Jalna
through its chief Executive Officer
 3. Block Development Officer,
Panchayat Samiti, Bhokardan,
District Jalna
 4. Deepak Bhimrao Dandge,
Age Major, Occu. Agri.,
R/o. Borgaon (Jahagir),
Tq. Bhokardan, Dist. Jalna
 5. District Collector, Jalna
- .. Respondents

Mr. Balbhim R. Kedar, Advocate for the Petitioners;
Mr. A. S. Shinde, A.G.P. for Respondents No. 1 and 5;
Mr. Anand D. Gadekar, Advocate for Respondent No.4

CORAM : S. G. MEHARE, J.

DATE : 15-01-2024

PER COURT :-

1. Heard the learned counsel for petitioners, learned A.G.P. for respondents No.1 and 5 and learned counsel for respondent No.4.
2. The serious allegations of corruption in sanctioning wells and nurseries were levelled against the petitioners.
3. Petitioners' contention is that the due procedure for selecting eligible members for wells was followed. The list of names of the villagers entitled to the scheme was approved in the Gramsabha. Then, the list was sent to the Block Development Officer. After verifying the facts and rules, the Block Development Officer under his jurisdiction sanctioned the proposal of only 17 villagers out of 25 approved in the Gramsabha.
4. The Block Development Officer did not approve the proposal of the brother of the complainant. The complainant was also a village panchayat member and one of the signatories to all the proceedings. However, he felt aggrieved as his brother's name was deleted. Since the Block Development Officer did not approve the proposal for a Well of his brother, proceeding under Section 13(1)(g) of the Bombay Village Panchayats Act was also initiated on the similar allegations of the villagers. On the same allegations, the Collector rejected the complaint after making the inquiry. Thereafter, the same person and a few villagers made a complaint

to the Dispute Redressal Forum, Jalna, which was presided over by the Ombudsman on the same allegations. The Collector, who had rejected identical allegations and rejected them under Section 14(g) of the Maharashtra Village Panchayats Act, suddenly supported the complainant. After hearing the parties, the Ombudsman passed the impugned order.

5. The learned counsel for the petitioners submits that few documents relevant to the allegations were filed. However, those were not considered. The petitioners were under the impression that the documents they had filed would be considered, but those were not considered. Since they had filed relevant documents, they did not appear before the Ombudsman. A stringent order has been passed cancelling the proposals of the nursery, Wells, and recovering the amount of Government subsidies and depositing it in the bank. He also submits that petitioner No.3, the Block Development Officer, only issued the notice to the Gramsevak while inspecting the record.

6. On hearing the respective learned counsels, the impugned order appears *ex parte*. The documents filed by petitioners No.1 and 2 have not been discussed. The impugned order is based upon the affidavit of the complainant. Serious allegations of gratification were levelled against the applicant. However, the impugned order reveals that there was no concrete evidence of gratification except

the oral words. Considering the serious allegations, the Court is of the view that the matter is to be remitted to the Ombudsman for a fresh decision by granting the petitioners an opportunity.

7. In view of the above, the order passed by the Member, Dispute Redressal Forum, Jalna, dated 05.03.2013, is quashed and set aside.

8. The complaint is remitted for a fresh decision by granting opportunity to all the persons concerned, i.e., 13 complainants and all the respondents in the said complaint.

9. In view of the above, the writ petition stands disposed of. The Ombudsman should decide the dispute within six months from receipt of this order by granting opportunities to all the parties concerned.

(S. G. MEHARE)
JUDGE

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