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

901 WRIT PETITION NO. 10295 OF 2024

RADHABAI KISAN NAGVE

....Petitioner

VERSUS

**THE ADDITIONAL DIVISIONAL COMMISSIONER I AND
OTHERS**

.....Respondents

Mr. V. B. Kulkarni, Advocate for the petitioner

Mr. Pushkar S. Shendurnikar, Advocate for the respondent No.3

Mr. K. S. Hoke Patil, AGP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 26th SEPTEMBER, 2024

P. C.

1. Heard the parties for sometime.

2. The petitioner is an elected member of Grampanchayat, Valadgaon in the election held in January, 2021. In April and July, 2021 there were cheques issued in the name of her son the for total amount of Rs.8,600/- for work done for Grampanchayat. The respondent No.6 herein therefore filed a proceeding under Section 14(1)(g) of the Maharashtra

Village Panchayat Act, 1959 before the learned Collector. The learned Collector on holding an enquiry held that petitioner has obtained peculiar advantage in her son's name and declared that the petitioner has incurred disqualification. The learned Divisional Commissioner also confirmed the said findings and thus the petitioner approached this court.

3. It is argued by the learned advocate for the petitioner that merely work from Grampanchayat fund is done by the son of the petitioner that itself is not sufficient to come to conclusion that directly or indirectly peculiar advantage is obtained by her. No enquiry is conducted so as to see whether the petitioner or such member has played any role in granting such amount or passing resolution etc. In this case, work was given by the Sarpanch and Gramsevak to the son of the petitioner. It is not shown that, it is the present petitioner who has helped in getting the work allotted to her son. He relies upon the judgment reported in 2022 DGLS (Bom)4449 in the case of Laxmibai Sitaram Kankhar and others Vs State of

Maharashtra and others.

4. The learned AGP vehemently opposed the petition. He submits that clear finding is recorded by both the authorities which do not require any interference at the hands of this court.

5. The learned advocate for respondent No.6 also opposed the prayer. He submits that immediately after the election in the month of January, 2021 the son of the petitioner is given the work of the Grampanchayat which cannot be said to be co-incidence. In any case relationship is not disputed. He, thus, prayed for rejection of the petition.

6. In the present case relationship is admitted. The work done by the petitioner's son is also admitted. It is further that amount was paid to him. In view of the submissions of the learned advocate for the petitioner that it was still necessary to hold an enquiry and to see as to whether the petitioner has played any role in awarding the work is without any merit. In

this case it is admitted that work is done and amount is received. Wording in the provision of section 14(1)(g) 'any advantage directly or indirectly by himself or his partners' is sufficient.

7. So far as the judgment in the case of Laxmibai (supra) it is held that members should have interest or any share in the profit out of the said work. In order to incur disqualification, what the clause requires is 'interest or share in any contract'; it may either be a share or an interest; and if it an interest, the interest may be direct or indirect. It is held that such interest cannot mean mere sentimental or friendly interest; it must mean interest which is pecuniary, or material, or of a similar nature.

8. This court finds that in the said case that if there is peculiar interest then it is sufficient to even if it is not direct. This court finds that this judgment is not helpful to the petitioner in fact supports the case of the respondents.

9. With this, both the authorities have rightly recorded concurrent findings which does not call for interference at the hands of this court. Therefore, the petition stands dismissed. No order as to costs.

[KISHORE C. SANT, J.]

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