



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

WRIT PETITION NO.2785 OF 2025

**PRAVIN KASHINATH CHAUDHARI
VERSUS**

1. THE STATE OF MAHARASHTRA THROUGH DIVISIONAL
COMMISSIONER NASHIK DIVISION NASHIK
2. CHIEF EXECUTIVE OFFICER, THE ZILHA PARISHAD, JALGAON
3. DY. CHIEF EXECUTIVE OFFICER, ZILHA PARISHAD, JALGAON
4. B.D.O. PANCHAYAT SAMITI AMALNER, DIST. JALGAON

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Advocate for the Petitioner : Mr. Patil (Borse) Paresh B.

AGP for Respondent/State : Mr. A.V. Lavte

Advocate for Respondents No.2 to 4 : Mr. Mahesh Kumar Sonawane

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**CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.**

DATE : 11.03.2025

PER COURT:

Heard the learned advocate for the petitioner, learned AGP and the learned advocate Mr. Sonawane who appears for respondents No.2 to 4.

2. The petitioner is seeking writ of mandamus directing the respondent No.2 – Chief Executive Officer of Zilla Parishad to whom he seems to have submitted a complaint under Section 39(1) of the Maharashtra Village Panchayats Act, 1959, soliciting some inquiry into the allegations being attributed to the persons who are not parties to this petition.

3. A plain regarding of the provision of Section 39(1) clearly demonstrates that the powers under that provision has been conferred upon the Divisional Commissioner. According to the proviso, even if the Chief Executive Officer or the Deputy Chief Executive Officer is supposed to undertake an inquiry, that can happen only on the order of a Divisional Commissioner. The petitioner seems to have directly approached the respondent - Chief Executive Officer and submitted the complaint without moving any such complaint to the respondent No.1 – Divisional Commissioner. No such writ/directions to Chief Executive Officer can be issued for conclusion of the inquiry.

4. Keeping open the avenue for the petitioner to approach respondent No.1, the writ petition is disposed of.

(Y. G. KHOBRADE, J.)

(MANGESH S. PATIL, J.)