

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 17690 OF 2024

Digvijay Dinakar Patil & Ors.

...Petitioners

Vs

Divisional Commissioner Pune & Ors.

...Respondents

Mr. Bhalchandra Mote for the Petitioners.

Mr. Y. D. Patil, AGP for Respondent No.1 -State.

**CORAM: G. S. KULKARNI &
ARIF S. DOCTOR, JJ.**
DATE: 17 JUNE 2025.

P.C.

1. By this Writ Petition filed under Article 226 of the Constitution of India, the Petitioners seek the following reliefs:

- a. This Hon'ble Court be pleased to issue a Writ of Mandamus and/or any other writ in mandamus, thereby directing the Respondent No. 1 to decide the complaint filed by Petitioners and others as stipulated in Section 39 (1) of the Maharashtra Village Panchayat Act, 1959
- b. This Hon'ble Court be pleased to issue a Writ of Mandamus and/or any other writ in mandamus, thereby directing the Respondent No. 2 to send the report ordered by Respondent No. 1 as early as possible as stipulated in Section 39(1) of the Maharashtra Village Panchayat Act, 1959."

2. Mr. Mote, Learned Counsel appearing on behalf of the Petitioners at the outset submits that the Petitioners are not pressing prayer clause (b) and are confining their reliefs only to prayer clause (a).

3. He submits that the grievance of the Petitioners is that a Complaint dated 20th June 2024 filed by the Petitioners against Respondent Nos.3 to 9 under Section 39(3) of the Maharashtra Village Panchayat Act, 1959 is not being proceeded with.

4. Mr. Mote then invites our attention to Section 39(3) of the Maharashtra Village Panchayat Act, 1959 to point out that the same provides for a time frame

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in which the Authorities are required to act. He submits that despite the fact that it has been one year since the Complaint has been filed, no action has been taken thereon. He submits that despite letters of the Divisional Commissioner directing the CEO, Zilla Parishad, Sangli to submit a report and inquire into the irregularities and offences complained of by the Petitioners, no further action has been taken on the Complaint. In support of his contention, he invites our attention to a letter dated 28th June 2024 addressed by the Divisional Commissioner, Pune Division by which the CEO, Zilla Parishad, Sangli was directed to submit a report and inquire into the irregularities and offences alleged by the Petitioners. He also invites our attention to a letter dated 29th July 2024 addressed by the CEO, Zilla Parishad, Sangli to the Block Divisional Officer (“BDO”), Walwa – Islampur directing the BDO to submit a report on the complaint filed by the Petitioners.

5. He then points out that the BDO submitted a report to the CEO of the Zilla Parishad in terms of the aforesaid letter, however the CEO of the Zilla Parishad has failed to send such report as per the directions given by the Zilla Parishad for further action.

6. He thus submits that noticing the inaction on the part of the CEO of the Zilla Parishad in failing to submit a report to the Divisional Commissioner, the Petitioners addressed a reminder vide an email dated 14th October 2024, despite which no action has been taken.

7. He submits that thus the Petitioners have been constrained to file the present Petition.

8. Having due regard to the submissions made and the fact that today the Petitioners confined its challenge only to prayer clause (a), we find that given the scheme of Section 39 of the Maharashtra Village Panchayat Act, 1959, the Petitioners have made out a case for the grant of relief in terms of prayer clause (a) for the inaction on the part of the Respondent Authorities in respect of the Complaint. This cannot be countenanced.

9. The Writ Petition is thus allowed in terms of prayer clause (a). No costs.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)