

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 249 OF 2025

Sangita Bharat Kokare & Anr.

...Petitioners

Versus

The State of Maharashtra & Ors.

...Respondents

Ms. B. R. Mangale for Petitioner.

Adv. N. C. Walimbe, Addl. G.P. a/w V. G. Badgujar, AGP for State - Respondent
Nos.1 & 2.

Mr. Ratan Adhe i/b Pankaj Deokar for Respondent Nos.3 to 5.

CORAM: G. S. KULKARNI &
ARIF S. DOCTOR, JJ.

DATE: 25 JULY 2025

P.C.

1. This petition under Article 226 of the Constitution of India is filed praying
for the following substantive relief:

"a. This Hon'ble Court be pleased to call for relevant record and proceedings from the office of respondent Nos.2 & 3 pertaining to letter dated 21 December 2023 and after going through the legality, validity and propriety of the same respondent No.3 to conduct enquiry under the provisions of Section 39 of the Maharashtra Village Panchyat Act, 1958 against the Sarpanch and other guilty members of Village Panchyat Pandare as per the communication dated 21 December 2023 sent by office of Respondent No.2 on the basis of report dated 20 September 2023 within time bound period and further to take action in accordance with law; for the purpose issue appropriate Writ and/or order."

2. From what has been urged before us, it appears that the petitioner as also the other members of the Grampanchyat, Pandare, Tq. Baramati, District Pune, had made complaints in regard to the irregularities of the Sarpanch and other members of the Grampanchyat in undertaking purchases, contrary to the rules and regulations and the directions of the State Government. It is contended that in this

regard there was a resolution no. 5/5 passed in the monthly meeting held on 17 January 2023. Accordingly, a complaint came to be made that such irregularities be enquired by the Block Development Officer so that further appropriate action can be taken. The representation has made to the Block Development Officer by the petitioner is dated 7 August 2023 Exhibit - A, as also the other representations which are made are at Exhibit - B (page 16). As the Block Development Officer was not taking any action, the Deputy Commissioner, from the office of the Divisional Commissioner, Pune, addressed a communication dated 21 December 2023 to the Chief Executive Officer of the Zilla Parishad, Pune, calling upon him to initiate action under Section 39, and that in the event, it is found that the members of the Grampanchyat who are at the relevant time at the helm of affairs are guilty of such irregularities, a report to this effect be made to the office of the Commissioner. In pursuance thereto, the Block Development Officer Shri. Anil Bagal has made his substantive detailed report dated 7 February 2024 at Exhibit - D (page 19) in which in the operative portion, examining each and every irregularities, he has made the following recommendations:

“When the Report, as mentioned above, is perused, it is seen that Shri Ajay Krishna Sonvane, Sarpanch of Pandare Grampanchayat and the members thereof have committed dereliction in their duty while carrying out the Grampanchayat work and therefore, an action as per the provisions of Section 39(1) of the Maharashtra Village Panchayat Act, 1959 may be taken against them. Similarly, it is categorically opined that the action as per the provisions of Section 4 of the Maharashtra Zilla Parishadas, District Services (Discipline and Appeal) Rules, 1964 may be initiated against the then Rural Development Officer Shri Sanjivkumar Bhunjig Bhosle and the sitting Rural Development Officer Shri Dattatray Kisan Dhavade. The Report as aforesaid after carrying out re-verification is humbly submitted herewith for taking further action.”

3. After such recommendations are made, the same were forwarded to the office of the Divisional Commissioner, Pune. As no action was being taken, the petitioner

made a representation dated 4 December 2024 that as from the enquiry report of the Block Development Officer, it was clear that there were irregularities conducted by the Sarpanch and the other office bearers hence an appropriate action be taken under Section 39(1) of the Maharashtra Village Panchyat Act, 1958. However as no action is being taken by the Divisional Commissioner, the present petition is filed.

4. Having heard learned counsel for the parties, in our opinion, the aforesaid circumstance, as the report of the Block Development Officer in regard to the irregularities in respect of the Grampanchayat is now available and the names of the office bearers of the Grampanchayat who are stated to have indulged in such irregularities and/or illegalities are clearly reflected in the report, the Divisional Commissioner needs to take further appropriate action in accordance with law on such proceedings which were in fact initiated by him in terms of communication (O. No.Development/Establishment/Grampanchayat Appeal/S-39/442) dated 21 December 2023 addressed to the Chief Officer of the Zilla Parishad, Pune.

5. In this view of the matter, as there is already a substantial delay in taking action. We direct that an appropriate action on the report and findings of the Block Development Officer in accordance with law, be taken by the Divisional Commissioner, Pune within a period of two months from today.

6. All contentions of the parties in that regard are expressly kept open.

7. Disposed of in the aforesaid terms. No costs.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)