



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.1827/2021

Devendra Punjabrao Godbole .Vs. Divisional Commissioner, Nagpur Division, Nagpur
Commissionerate, Nagpur and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. U. K. Bisen, Advocate for petitioner.
Ms P. Bawankule, A.G.P. for respondent Nos.1 and 2.
Mr. A. V. Band, Advocate for respondent No.3.

CORAM : ANIL L. PANSARE, J.

DATE : JANUARY 22, 2025

Heard.

2. Petitioner – Original complainant is aggrieved by order dated 15.03.2021, passed by respondent No.1 – Divisional Commissioner, Nagpur, rejecting petitioner's application filed against respondent No.3 – Councillor, under Section 16 (1) (i) read with Section 40 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961. The allegation against respondent No.3 is that he has accepted the tender floated by Gram Panchayat/Zilla Parishad for construction of roads though the tender is submitted in the name of respondent No.3's wife. There is sufficient material to connect respondent No.3 with the firm – Mohit Constructions, of which his wife is a proprietor.

3. Counsel for the petitioner has invited my attention to the report dated 10.11.2020 filed by the Chief Executive Officer, Zilla Parishad, Nagpur before respondent No.1 stating therein that the inquiry reveals substance in the complaint. This report, however, has been not considered by respondent No.1. Having

not considered the same, counsel for the petitioner submits that the order impugned is unsustainable.

4. Learned A.G.P joined by the counsel for the respondent No.3, made an attempt to justify the order. However, both failed to show that the report submitted by the Chief Executive Officer, Zilla Parishad, Nagpur was given due consideration by respondent No.1. In fact, counsel for respondent No.2 submits that he too did not receive copy of said report.

5. That being so, the order impugned appears to be perverse having not considered the vital argument viz. report submitted by the Chief Executive Officer, Zilla Parishad, Nagpur.

6. In view of above, following order is passed.

ORDER

- (i) The writ petition is partly allowed.
- (ii) Impugned order dated 15.03.2021, passed by respondent No.1 in Case No. 4/2020 is quashed and set aside.
- (iii) The inquiry is restored on the file of respondent No.1 for consideration afresh, in accordance with the law and what has been stated in the body of the order.
- (iv) Respondent No.1 shall decide the proceedings as expeditiously as possible and preferably within four months from the date the parties present themselves before him.
- (v) Parties shall appear before respondent No.1 on 06.02.2025.

No order as to costs.

(Anil L. Pansare, J.)