
(2018) 08 BOM CK 0182
In the Bombay High Court
Case No : Writ Petition No. 884 Of 2017

Sau. Roopali Ananta Barde	Vs	APPELLANT
Additional Commissioner Amravati Division And Ors		RESPONDENT

Date of Decision : 24-08-2018

Acts Referred:

Maharashtra Village Panchayats Act, 1959 — Section 14(1)(j5)

Citation : (2018) 08 BOM CK 0182

Hon'ble Judges : Rohit B. Deo, J

Bench : Single Bench

Advocate : C.R. Sharma, A.V. Palshikar, P.S. Kshirsagar

Final Decision : Dismissed

Judgement

1. Heard Shri C.R. Sharma, the learned counsel for petitioner, Shri A.V. Palshikar, the learned Assistant Government Pleader for respondents 1 and 2 and Shri P.S. Kshirsagar, the learned counsel for respondent4.
2. Rule. Rule made returnable forthwith with consent.
3. Challenge is to the order dated 1.2.2017 rendered by the Additional Commissioner, Amravati Division, Amravati in Appeal 361 of 2017, by and under which, the order dated 25.11.2016 passed by the Additional Collector, Buldhana in Gram Panchayat Case 125/2015-16 declaring the petitioner disqualified to hold the office of the member of the Gram Panchayat, is confirmed. The disqualification is predicated on the finding that alongwith the nomination form, the petitioner did not submit the resolution of the Gram Sabha that she has a toilet in her house, although she did submit the certificate of the Secretary of the Gram Panchayat.
4. Both the orders of the authorities below are unexceptionable. The controversy

is covered by several decisions of this Court inter alia decision in Writ petition 2736 of 2016 (Sau. Sharda Suresh Ingole vs. The Additional Commissioner, Amravati Division, Amravati and others) which follows the decision in Vijay Ramchandra Raut ..vs..Divisional Commissioner, Amravati Division and others, 2014(3)Mh.L.J.641.

5. In view of the non-compliance with the mandatory provisions of section 14(1) (j-5) of the Maharashtra Village Panchayat Act, there is no infirmity in the declaration of disqualification.

6. The petition is without substance and is rejected.