

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

WRIT PETITION NO. 542 OF 2015

Taramati w/o Shivaji Mule ... Petitioner

Versus

The Additional Divisional Commissioner,
Aurangabad & others ...
Respondents

.....
Mr. G.B. Kulkarni, Advocate for petitioner
Mr. V.G. Shelke, A.G.P. for respondent Nos. 1 to 3

.....

CORAM : RAVINDRA V. GHUGE

DATED : 14th JANUARY , 2015

PER COURT :

1. The petitioner contends that she was the Sarpanch of Village Bhalgaon, Tq. Ambad. By the judgment of the Additional Collector, Jalna delivered in Grampanchayat Dispute No. 99 of 2013 dated 01-08-2014, the application filed by the respondent-Kisan has been allowed and the petitioner has been removed as a Sarpanch on account of having incurred a disqualification under Section 14 (1) (g) of the Maharashtra Village Panchayat Act.

2. An appeal has been preferred before the Additional Commissioner, Aurangabad registered as CR.No. 85 of 2014. An

application seeking stay to the order of the Additional Collector has also been filed. Grievance is that the said appeal is pending and no orders have been passed. It is prayed that the election of Sarpanch scheduled on 19-01-2015 be stayed.

3. Learned A.G.P. appearing on behalf of respondent Nos. 1, 2 and 3 has submitted on instructions that the application for condonation of delay has been decided on 13-01-2015 and the matter has been now posted to 18-02-2015 for further consideration. Learned A.G.P., therefore, submits that when the petitioner has availed of the appeal remedy, this petition is untenable. Since a statutory remedy is availed of and the said proceedings are pending adjudication.

4. The learned A.G.P. has placed on record a communication dated 14-01-2015, addressed to him by the Additional Commissioner, Aurangabad thereby indicating that the appeal is posted for hearing on 18-02-2015. Copy of the said communication is marked 'X' for identification.

5. In the said communication, an addition has been made in hand writing by the Bench Clerk present in the Court namely Shri G.K. Mundhe. It is stated by the learned A.G.P. that Shri Mundhe

is a Bench Clerk in the office of Commissioner, Aurangabad and on instructions he has written in his own hand writing on communication 'X' that the delay has been condoned and the judgment of the Additional Collector dated 01-08-2014 has been stayed till further hearing of the appeal.

6. Recording the said statement of the learned A.G.P. and the document at 'X', no orders are required to be passed by this Court in this petition.

7. As such, this petition is dismissed.

(**RAVINDRA V. GHUGE, J.**)