

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

WRIT PETITION NO. 2862 OF 2015

Govind Sakharam Ghogare and ors. ...PETITIONERS

versus

State of Maharashtra and others ...RESPONDENTS

.....
Mr. Sunil P. Sonpawale, Advocate for Petitioner
Mrs.S.G. Chincholkar, A.G.P. For respondents No. 1, 3 and 4
Mr. S.T. Shelke, Advocate for respondent No. 2
.....

CORAM : SUNIL P. DESHMUKH, J.

DATED : 17th APRIL, 2015

Order :-

1. Mr. Shelke, learned counsel appearing for respondent-Election Commission points out that disqualification incurred is referable to section 14 (1) (j-4) of the Maharashtra Village Panchayats Act, 1958 and as such, under Section 16 of the Maharashtra Village Panchayats Act, remedy of appeal is provided.

2. In view of the same, I am not inclined to entertain the writ petition. Writ Petition, as such, stands rejected. Petitioner is at liberty to approach appellate authority.

3. Needless to mention that election, if any, would be subject to out come of the decision in the appeal.
4. While considering the delay in filing appeal pursuant to section 16(2) of the Maharashtra Village Panchayats Act, the appellate authority may consider the duration of pendency of the writ petition for condonation of delay.
5. Writ petition stands disposed of accordingly.

(SUNIL P. DESHMUKH, J.)

MTK