

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

WRIT PETITION NO. 3753 OF 2015

Dwarkabai w/o Sureshrao Deshmukh
age 60 years, occup. Household,
R/o Pedgaon, Tq. and Dist. Parbhani .. Petitioner

versus

1. The State of Maharashtra,
through its Secretary,
Rural Development Department,
Maharashtra State, Mantralaya,
Mumbai
2. the Sub divisional Officer,
Parbhani.
3. The Tahsildar @ Returning Officer,
Grampanchayat Elections 2012,
4. The Collector,
Collector office,
Parbhani
5. Additional Commissioner,
Aurangabad Division,
Aurangabad
6. State Election Commission,
Maharashtra State ... Respondents

Mr. V. Y. Deshmukh, Advocate for petitioners
Mr. V. G. Shelke, Asstt.Govt.Pleader for respondents no.
1, 2, 4, 5 and 6
Mr. S.T. Shelke, Advocate for respondent no. 3 and 6

CORAM : SUNIL P. DESHMUKH, J.
DATE : 9TH APRIL, 2015

Oral judgment

1. Rule. Rule made returnable by consent of the parties and heard finally.
2. Petition has been moved primarily for the reason that the Additional Commissioner, Aurangabad Division, Aurangabad, is yet to deliver a decision in the appeal bearing no. 26 of 2015 filed by present petitioner challenging her disqualification at the hands of the Collector as being member of gram panchayat of village Pedgaon in taluka and district Parbhani.
3. It is being pointed out that in said appeal, status-quo had been operating under order dated 7-3-2015 passed by the Additional Commissioner, Aurangabad Division, Aurangabad. On subsequent date, parties are heard and the appeal is reserved for orders, however, no orders as yet have been passed or communicated to the parties.
4. Pending aforesaid appeal, election programme was declared under notification dated 30-3-2015 by respondent no. 6, for bye-elections for the seat of gram panchayat, Pedgaon in taluka and district Parbhani which was occupied by petitioner.

5. Having regard to this peculiar situation, as far as bye-election to the seat of member of village Pedgaon in taluka and district Parbhani which fell vacant due to disqualification of the petitioner is concerned, the same shall not be held until decision is taken by the Additional Commissioner, Aurangabad Division, Aurangabad in the appeal preferred by petitioner against her disqualification referred to hereinabove.

6. With aforesaid directions, writ petition stands disposed of. Rule made absolute accordingly.

SUNIL P. DESHMUKH, J.

pnd