

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4824 OF 2015

RAVINDRA NARAYAN MHASKE

PETITIONER

VERSUS

STATE OF MAHARASHTRA AND OTHERS

RESPONDENTS

Mr.B.V.Wagh h/f Mr.V.S.Badakh, Advocate for the petitioner.

Mr.P.R.Nangre, Advocate for respondent No.4.

Mr.S.T.Shelke, Advocate for respondent No.5.

Mrs.Y.M.Kshirsagar, AGP for respondent Nos. 1 to 3.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 22/07/2015

PER COURT :

1. The petitioner is before this Court against the order dated 27/03/2015, by which the ad-interim protection already granted to the petitioner by respondent No.1 / Appellate Authority, was not extended.

2. I have heard Mr.Wagh, learned Advocate for the petitioner, Mr.Nangre, learned Advocate for respondent No.4, Mr.Shelke, learned Advocate for respondent No.5 and the learned A.G.P. Considering the controversy involved, this petition need not be kept pending in this Court.

3. The petitioner has suffered dis-qualification under Orders of the Collector dated 23/12/2014 and has been disqualified as a Member of the Gram Panchayat, Koradgaon, Tal.Pathardi, Dist. Ahmednagar on the ground of forbearing 3 biological children. His Appeal No.1/2015 was instituted before respondent No.2 u/s 16(2) of The Maharashtra Village Panchayat Act, 1958.

4. By an ad-interim protection dated 11/02/2015, respondent No.2 had ordered *status-quo* in the matter.

5. On the date of hearing 27/03/2015, since the Advocate representing the petitioner was not available, an adjournment application was filed. By order dated 27/03/2015, impugned in this petition, the application was rejected and the ad-interim protection granted was vacated apparently without hearing the petitioner.

6. By an order passed by this Court (Coram : Sunil P.Deshmukh, J.) dated 28/04/2015, the petitioner was granted protection and *status-quo* was ordered to be maintained. The said protection is in force even today.

7. Mr.Nangre, learned Advocate has strenuously contended that

the petitioner deserves no sympathy since his conduct is not appreciable. He is habituated to seeking adjournments. Even before the Collector, he had remained absent and the Collector has thereafter delivered his order dated 23/12/2014. He, therefore, prays that this petition be dismissed by imposing costs. The learned AGP and Mr.Shelke have supported the impugned order.

8. It is not in dispute that the appeal is pending hearing before respondent No.2. It is also not in dispute that the petitioner is protected till this date. I, therefore, find that a proper hearing on the appeal would meet the ends of justice, rather than keeping this petition pending on an interlocutory order passed by respondent No.2.

9. In the light of the above, this petition is disposed of by continuing the protection granted by this Court on 28/04/2015, by imposing a condition on the petitioner that he shall not seek any adjournment in the matter, pending before respondent No.2.

10. It is informed that the next date of hearing before respondent No.2 is 11/09/2015. In the peculiar facts of this case, I hereby direct respondent No.2 to prepone the hearing in Gram Panchayat Appeal No.1/2015 to 07/08/2015. The litigating sides shall appear

before respondent No.2 on 07/08/2015 at 11.00 a.m. Separate notice of hearing is not required to be issued by respondent No.2. The petitioner shall tender written notes of arguments on the said date and shall be prepared to address respondent No.2 even orally. Unless respondent No.2 adjourns the matter, the petitioner is precluded from seeking any adjournment.

11. After hearing the litigating sides on 07/08/2015 and on any such subsequent date which respondent No.2 may set for hearing, Appeal No.1/2015 shall be decided by respondent No.2 on or before 16/09/2015.

12. In the event, the petitioner seeks any adjournment, the same shall not be entertained as it is submitted by the petitioner in this Court that no further adjournment would be sought by him.

13. With the above directions, this petition is disposed of. Needless to state, the protection granted by this Court shall continue till respondent No.2 decides the appeal.

(RAVINDRA V. GHUGE, J.)