

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11669 OF 2015

Sardar Shamrao Pavate

.. Petitioner

vs.

Ld. Additional Commissioner
Pune Division at Pune & Ors.

.. Respondents

Mr. M.J. Patil for the Petitioner

Mr. S.A. Rayrikar, AGP for Respondent Nos.1 & 2

CORAM : M. S. SONAK, J.

DATE : 26TH NOVEMBER 2015.

P.C.

Not on board. Upon production, taken on board.

1] Rule made returnable forthwith with the consent of the learned Counsel for the parties.

2] Learned Counsel for the petitioner submits that the issue involved in this petition stands covered by the decision of this Court dated 17th November, 2015 in Writ Petition No. 11208 of 2015 and connected matters.

3] In this case also, the petitioner has stated that returns of election expenses were filed before the Returning Officer within the prescribed period. That apart, the appeal is pending before the Additional Commissioner. In terms of Section 14 B of the Maharashtra Village Panchayats Act, 1958 at least, prima facie, mere failure to furnish returns within the prescribed period does not lead to automatic disqualification. The authorities are to apply their mind to the cause shown. For all these reasons, prima facie case is made out for grant of interim relief for the pendency of appeal before the Additional Commissioner. The petitioner's disqualification is, therefore, stayed pending disposal of appeal before the Additional Commissioner. The impugned order declining stay is set aside.

4] The Additional Commissioner is, however, directed to dispose off the appeal as expeditiously as possible and in any case within 3 months from the date of production of authenticated copy of this order.

5] The parties to appear before the Additional Commissioner on 30th November, at 11 a.m and produce the authenticated copy of this

order.

6] The directions issued in the order dated 17th November, 2015 upon which the petitioner relies, be equally applied to the petitioner in the present case.

7] Rule is made absolute in the aforesaid terms.

8] There shall be no order as to costs.

9] All concerned to act on the authenticated copy of this order.

(M. S. SONAK, J.)

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