IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9316 OF 2015

Shobha Ravindra Patil .. Petitioner
V/s
Addl. Commissioner, Pune Division,
Pune and others .. Respondents

WITH
WRIT PETITION NO.9317 OF 2015

Sonabai Ganpati Mali .. Petitioner
V/s
Addl. Commissioner, Pune Division,
Pune and others .. Respondents

WITH
WRIT PETITION NO.9318 OF 2015

Vijayamala Bhagwan Patil .. Petitioner
V/s
Addl. Commissioner, Pune Division,
Pune and others .. Respondents

WITH
WRIT PETITION NO.9319 OF 2015

Sardar Shivaji Patil .. Petitioner
V/s
Addl. Commissioner, Pune Division,
Pune and others .. Respondents

WITH
WRIT PETITION NO.9320 OF 2015

Manohar Chandrakant Bhopale .. Petitioner
V/s
Addl. Commissioner, Pune Division,

Pune and others .. Respondents

WITH
WRIT PETITION NO.9321 OF 2015

Shivaji Vishnu Patil .. Petitioner
V/s
Addl. Commissioner, Pune Division,
Pune and others .. Respondents

WITH
WRIT PETITION NO.9322 OF 2015

Sharada Maruti Kamble .. Petitioner
V/s
Addl. Commissioner, Pune Division,
Pune and others .. Respondents

WITH
WRIT PETITION NO.9323 OF 2015

Amar Vilas Kamble .. Petitioner
V/s
Addl. Commissioner, Pune Division,
Pune and others .. Respondents

Mr. Pradeep D. Dalvi for the Petitioners.
Mrs. M.S. Bane, Assistant Government Pleader for Respondent Nos. 1 and 2.

CORAM : M.S. SONAK, J.
DATED : 21 SEPTEMBER 2015

P.C. :

. Mr. Dalvi, the learned Counsel appearing for the Petitioners seeks leave to delete Respondent No.3 in each of these

petitioners, as the presence of Respondent No.3 is not necessary for the purpose of limited issues involved in these writ petitions. Leave is granted. The necessary amendment is to be carried out forthwith.

2 Rule.

3 Rule is made returnable forthwith.

4 In this batch of petitions, the challenge is to the orders dated 2 September 2015, which are identical in material respect. The impugned orders declines the petitioners a stay upon disqualification dated 11 March 2015, which disqualification order was communicated to the Petitioners on 1 August 2015. The disqualification was on the ground that the petitioners had failed to file the Returns of their expenses within a prescribed period before the Returning Officer.

5 Mr. Dalvi, the learned Counsel appearing for the Petitioners in each of these petitions, has submitted that the Returns infact had been filed before the Returning Officer within a prescribed period. In any case, Mr. Dalvi, the learned Counsel submitted that provisions of Section 16(2) of the Bombay Village Panchayat Act, are

not mandatory, in the sense that if sufficient cause is shown, then disqualification order need not be made. In these circumstances, Mr. Dalvi, the learned Counsel submitted that pending the appeal before Respondent No.1, a stay on disqualification sought to have been granted.

6 On perusal of the impugned orders dated 2 September 2015, it is clear that the same contains no reasons whatsoever. At the stage of dismissal of the application for stay, although there may be no requirement of setting reasons elaborately, nevertheless, atleast brief mention of reasons is a must. In this case, the impugned orders merely records the conclusion, without there being any reason to support the same. On this short ground, the impugned orders are required to be set aside.

7 Normally, in the matter of this nature, the stay application is required to be remanded to the Appellate Authority for a fresh consideration. However, considering the issues involved, it would be appropriate, if the directions are issued to Respondent No.1 to dispose of the petitioners' appeals as expeditiously as possible and in any case within a period of four weeks from today. In the

meanwhile the disqualification orders which are stated to have been served on the petitioners only on 1 August 2015, shall remained stayed. Such stay is granted on the basis of the Petitioners' contention that the Returns of the expenses had infact been filed before the Returning Officer within the period prescribed.

8 Accordingly, Rule is made absolute to the aforesaid extent in each of the petitions. The impugned orders dated 2 September 2009 are set aside. Respondent No.1 is directed to dispose of the appeals instituted by the Petitioners as expeditiously as possible, in any case, within the period of four weeks from today. There shall be stay upon the disqualification of the orders during pendency of the appeals.

9 The Petitioners to co-operate in the matter of expeditious disposal of the matter. The Appellate Authority shall after brief record of reasons be at liberty to vacate the stay granted on the disqualification orders, in case, the Petitioners unncessarily delay the appeal proceedings.

10 Further it is made clear that this Court has not examined

merits in the matter and therefore all the contentions are left upon to be decided by Respondent No.1-Appellate Authority.

11. All concerned to act upon an authenticated copy of this order.

(M.S. SONAK, J.)

C E R T I F I C A T E

Certified to be true and correct copy of the original signed order.