

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9569 OF 2015

Surekha Manohar Rangat.] ... Petitioner
Versus
The State of Maharashtra and Ors.] ... Respondents

WITH
WRIT PETITION NO.9570 OF 2015

Satwashila Anil Londhe.] ... Petitioner
Versus
The State of Maharashtra and Ors.] ... Respondents

WITH
WRIT PETITION NO.9571 OF 2015

Changunabai Mahadev Jagtap.] ... Petitioner
Versus
The State of Maharashtra and Ors.] ... Respondents

WITH
WRIT PETITION NO.9572 OF 2015

Rajkumar Jaganath Shinde.] ... Petitioner
Versus
The State of Maharashtra and Ors.] ... Respondents

Mr. G. N. Salunkhe a/w Mr. Siddheshwar B. Kalel for Petitioners in all Writ Petitions.

Mr. S. D. Rayarikar, A.G.P. for Respondent Nos.1, 3, 4 and 5 in Writ Petition Nos.9569 of 2015 and 9570 of 2015.

Ms. Neha Bhide, 'B' Panel Counsel for State in Writ Petition Nos.9571 of 2015 and 9572 of 2015.

Mr. P. D. Dalvi for Respondent No.6 in all Writ Petitions.

CORAM :- M. S. SONAK, J.

DATE :- OCTOBER 01, 2015

P. C. :-

1. Rule.

2. With the consent of and at the request of learned Counsel for parties, Rule is made returnable forthwith.

3. The challenge in these petitions is to the order dated 16/09/2015 made by the Additional Commissioner, Pune, declining the petitioners a stay against their disqualification, pending hearing and final disposal of the appeal before the Additional Commissioner. The disqualification was on the purported ground that the petitioners failed to lodge their election expenses before the competent authority within the prescribed period.

4. In virtually the same set of facts, this Court, by its Judgment and Order dated 21/09/2015 in Writ Petition No.9316 of 2015, has set aside similar order declining stay during the pendency of the appeal before the appellate authority. In these cases as well, if the impugned orders are perused, the same are bereft of any reason. Although, there may not be necessity of recording elaborate reasons as well as dealing with application for any interim relief, it is necessary to record some reasons, howsoever brief, whilst dealing with the application seeking interim relief. There are no reasons in the impugned order.

5. Normally, once the order is set aside on the ground that the same contained no reasons, the appellate authority is required to decide the matter afresh. In the present case however, it would be appropriate if directions are issued to the appellate authority to dispose of the appeals instituted by the petitioners as expeditiously as possible and in any case, within a period of three months from the date of production of authenticated copy of this order. In the meantime, the disqualification of the petitioners shall stand stayed.

6. The aforesaid interim relief is granted on basis of the petitioners' contention that the accounts of election expenses was indeed filed before the Returning Officer within the prescribed period of 30 days. However, there was some delay on the part of the Returning Officer in assessment of such accounts to the appropriate authority.

7. Further, it is pointed out that the provisions contained in Section 14b of the Maharashtra Village Panchayats Act, 1958 are directive in nature. Mere failure to furnish account within the time prescribed or in the manner prescribed may not constitute disqualification. The prescribed authority is required to apply its mind to the cause shown and only thereafter take a decision on the issue of disqualification. In these circumstances, the *prima-facie* is made out for grant of interim relief in the aforesaid terms during the pendency and final disposal of appeal. However, it is made clear that this Court has not gone into the details of the matter and therefore all

contentions of all parties are left open for decision by the appellate authority.

8. Rule is made absolute to the aforesaid extent. There shall be no order as to costs.

9. The parties to appear before the appellate authority on 08/10/2015 at 11.00 a.m. and produce authenticated copy of this order.

10. The parties, including the petitioners herein, to cooperate in the matter of expeditious disposal of the appeals. In case the petitioners unnecessarily delay the appeal proceedings, the appellate authority shall be empowered to vacate the interim relief after recording reasons therefor.

(M. S. SONAK, J.)

CERTIFICATE

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