

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

WRIT PETITION NO.2608 OF 2015

Tulsabai w/o Nemdash Lambat

-vs-

Addl. Collector, Collector Office, Bhandara & Ors.

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders.

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Shri Masood Shareef, Advocate for petitioner.  
Shri D. B. Patel, AGP for respondent Nos.1 and 2.  
Shri S. A. Choudhari, Advocate for respondent No.3.  
Ms P. Moon, Advocate for respondent No.5.

**CORAM : A.S.CHANDURKAR, J.**

**DATE : November 17, 2015**

Rule. Heard finally with consent of counsel for the parties.

Challenge in the present writ petition is to an interlocutory order passed by the respondent No.2 rejecting the application for grant of stay during pendency of the appeal. By order dated 30/03/2015 passed by the respondent No.1, the petitioner was disqualified as a member of the Grampanchayat. She filed appeal under Section 16 of the Maharashtra Grampanchayats Act, 1958 before the respondent No.2 and by the impugned order, the application for stay came to be rejected.

On 15/07/2015 this Court had passed an interim order by virtue of which the disqualification of the petitioner has been stayed. Considering the fact that the statutory appeal is pending before the respondent No.2,

it is not necessary to record any finding on merits. By directing the interim order to continue during pendency of the appeal, the respondent No.2 can be directed to expeditiously decide the proceedings.

Accordingly the following order is passed :

- (i) The respondent No.2 is directed to decide the appeal filed under Section 16 of the said Act by the end of December 2015.
- (ii) The parties undertake to appear before the Appellate Authority on 23/11/2015.
- (iii) During pendency of the appeal, the interim order granted on 15/07/2015 shall continue to operate. It is however made clear that the Appellate Authority shall not be influenced by continuation of the interim order and the proceedings shall be decided on their own merits in accordance with law.
- (iv) Rule made absolute in aforesaid terms with no order as to costs.

**JUDGE**