

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

WRIT PETITION NO.9184 OF 2016

Bharatbai Ananda Shinde & anr. ... PETITIONERS

VERSUS

Additional Commissioner, Aurangabad
& ors. ... RESPONDENTS

.....
Shri F.R. Tandale, Advocate for petitioners
Shri U.H. Bhogale, A.G.P. for State
Shri P.B. Rakhunde, Advocate for respondent No.3
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CORAM: T.V. NALAWADE, J.

DATED: 30th August, 2016.

ORAL ORDER :

1. This petition is filed by Ex-Member of Village Panchayat, who is disqualified for non submission of return of the election expenses. The proceeding is pending before the learned Additional Commissioner, Aurangabad, which is filed to challenge the decision given by learned Additional Collector in

disqualification matter. It is the grievance that, the learned Additional Commissioner has not granted stay and due to that, the Collector may hold that the vacancy has occurred and the election programme for vacant seat may be declared.

2. Learned counsel Mr. Rakhunde has appeared for respondent No.3. Learned A.G.P. has also represented the State. This Court has gone through the provisions like Section 16(2) of the Village Panchayat Act, 1958. In view of the period mentioned in Section 16(2) of the Act, this Court holds that, to some extent the petitioner can be protected. Willingness is shown by the learned counsel for the petitioner to get the matter expedited. Other side is also ready for that. So, the parties to appear before the learned Additional Commissioner on 6.9.2016, and 15 days time thereafter is given to the learned Additional Commissioner to decide the appeal. During this period, the Collector will not be treating the posts as vacant. In those terms, the petition is disposed of.

(T.V. NALAWADE, J.)