

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11691 OF 2015

SUNITA PRABHAKAR PAGARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. H. A. Matkar, Advocate h/f Mr. Ravindra Vitthal Gore.

AGP for Respondents : Mr. V. H. Dighe.

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CORAM : S. V. GANGAPURWALA &
A. M. BADAR, JJ.

DATE : 9th FEBRUARY, 2016.

PER COURT:

1] The present petition is filed seeking direction against the respondents to hold elections of the Sarpanch and Upa-Sarpanch of village Kharaj/Tittarkhed, Taluka Vaijapur, Dist. Aurangabad.

2] Mr. Dighe, learned AGP submits that the respondent No.4 has already submitted a report regarding vacancy of the post of Sarpanch and Upa-Sarpanch of the said Gram Panchayat. However, the then Sarpanch had challenged the judgment and order passed by the Respondent No.3 before this Court by filing W.P. No. 6978 of 2015. As such, the respondent No.3 felt it expedient not to declare the elections for the post of Sarpanch and Upa-Sarpanch.

3] Mr. Thombre, who appears for the erstwhile Sarpanch, submits that he has already challenged the order removing him from the post of Sarpanch.

4] It is not in dispute that there is no stay granted by the Court. In the light of that, there is no impediment for the respondent authorities to

proceed further. It is another thing if the court grants stay. However, as no such stay is granted, the respondent authorities are at liberty to proceed further subject to prohibitory orders that may be passed.

5] With these observations, writ petition is disposed of. No costs.

[A.M. BADAR]
JUDGE

[S.V. GANGAPURWALA]
JUDGE

grt/-