

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

920 WRIT PETITION NO. 11866 OF 2016

MAKARDHWAJ BABARAO FAJAGE
VERSUS
KACHARU DHONDIBA GORE AND OTHERS

...
Advocate for Petitioner : Anerao Panditrao S
Advocate for Respondents 1 to 4 : Patil Ramchandra S
...

CORAM : T.V. NALAWADE, J.
DATED : 2nd December, 2016.

ORDER :

1. Notice. It is waived by learned counsel Shri. R.S. Patil for respondent Nos. 1 to 4. Both the sides are heard. Reply filed by the respondents is taken on record.

2. The proceeding is filed to challenge the order of stay made by the learned Additional Commissioner, Aurangabad in Appeal No. 341/2016 filed against the decision given by the Additional Collector, Nanded in proceeding No. 68/2016. The respondents were disqualified in the said proceeding by Additional Collector under the provisions of section 14 (j-5) r/w. section 16 of the Bombay Village Panchayats Act, 1959 and in the appeal filed by them, the learned Additional Commissioner has given stay to the disqualification order made by the Collector. It is the case of petitioner that without considering

merits of the matter, stay is granted by the Additional Commissioner.

3. The submissions made show that present petitioner has appeared in the said proceeding and so, the original complainant and appellant are there. There will be no necessity of other parties as the proceeding needs to be decided on the basis of record which was considered by the Collector.

4. The learned counsel for petitioner submitted that the matter is kept for hearing on 5.12.2016. In view of these circumstances, this Court holds that the purpose of the present proceeding will be served if the direction is given to the Additional Commissioner to decide the matter within 15 days from today. In those terms, the petition is disposed of as dismissed.

5. Authenticated copy is allowed to both the sides.

[T.V. NALAWADE, J.]

ssc/