

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3779 OF 2016**

Mangal Madhukar Jadhav

..Petitioner

Vs.

State Election Commission & Ors.

..Respondents

Mr. Tanaji Mhatugade for the Petitioner

Mrs. S. S. Bhende AGP for the Respondent Nos. 2 & 3

CORAM : R. M. SAVANT, J.

DATE : 5th APRIL, 2016

P.C.

1 The order dated 23-3-2015 passed by the Collector, Kolhapur, disqualifying the Petitioner under Section 14(B) of the Maharashtra Village Panchayats Act 1958 (for short the said Act) as also the order dated 15-4-2015 passed by the Additional Commissioner, Pune Division Pune, rejecting the application for stay filed by the Petitioner is taken exception to by way of the above Petition.

2 Against the order dated 23-3-2015 the Petitioner has filed an Appeal before the Additional Commissioner. In the said Appeal, the Petitioner has filed an application for stay of the order of the Collector which has been rejected by the impugned order. The Petitioner has been disqualified on the ground that the Petitioner had not filed a statement of the election expenses as mandated by the provisions of the said Act. The Additional Commissioner has

recorded that there is a delay of 447 days in filing the said statement of election expenses.

3 In my view, since the Petitioner is an elected member of the Grampanchayat, it would be just and proper to direct the Additional Commissioner Pune Division Pune, to hear and decide the Appeal filed by the Petitioner within a particular time frame. Hence the following directions:

(i) The Additional Commissioner Pune is directed to hear and decide the Appeal filed by the Petitioner latest by 30-6-2016.

(ii) Till the decision is rendered by the Additional Commissioner the order dated 23-3-2015 of the Collector would stand stayed.

(iii) Needless to state that the Additional Commissioner would decide the Appeal on its own merits and in accordance with law by giving proper opportunities to the parties.

4 With the aforesaid directions the Writ Petition is disposed of .

[R.M.SAVANT, J]