

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5061 OF 2016

Sau. Alka Shivaji Bhanvase]
Age: 51 years, Occ: Agriculturist,]
R/At Adhegaon, Taluka Mohal,]
District Solapur].. Petitioner

Versus

1. The State of Maharashtra]
Mantralaya, Mumbai-400 032.]
2. Additional Commissioner, Pune]
Pune Division, at Pune.]
3. The Collector of Solapur]
Having office at District Collector Office]
Solapur, Dist-Solapur.]
4. The Tahsildar,]
Mohal, Taluka Mohal, District Solapur.]
5. The Election Officer,]
Adhegaon Village, Tal- Mohal,]
District Solapur.].. Respondents

WITH
WRIT PETITION NO.5071 OF 2016

Shri. Laxman Apparao Sutkar]

Age: Adult, Occu: Agriculturist,]
R/At Adhegaon, Taluka Mohal,]
District Solapur].. Petitioner

Versus

1. The State of Maharashtra]
Mantralaya, Mumbai-400 032.]
2. Additional Commissioner, Pune]
Pune Division, at Pune.]
3. The Collector of Solapur]
Having office at District Collector Office]
Solapur, Dist-Solapur.]
4. The Tahsildar,]
Mohal, Taluka Mohal, District Solapur.]
5. The Election Officer,]
Adhegaon Village, Tal- Mohal,]
District Solapur.].. Respondents

WITH

WRIT PETITION NO.4890 OF 2016

Shri. Shivaji Nivrutti Bhanvase]
Age: 55 years, Occu: Agriculturist, Advocate,]
R/At Adhegaon, Taluka Mohal,]
District Solapur].. Petitioner

Versus

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| 1. The State of Maharashtra |] |
| Mantralaya, Mumbai-400 032. |] |
| 2. Additional Commissioner, Pune |] |
| Pune Division, at Pune. |] |
| 3. The Collector of Solapur |] |
| Having office at District Collector Office |] |
| Solapur, Dist-Solapur. |] |
| 4. The Tahsildar, |] |
| Mohal, Taluka Mohal, District Solapur. |] |
| 5. The Election Officer, |] |
| Adhegaon Village, Tal- Mohal, |] |
| District Solapur. |].. Respondents |

Mr. S. S. Raut, for the Petitioner in all Petitions.

Mrs. V. S. Nimbalkar, AGP for the Respondent Nos.1 to 4.

CORAM : R.M. SAVANT, J.

DATE : 27th APRIL 2016

ORAL JUDGMENT

1. Rule in each of the above Petitions considering the challenge raised in the above Petitions made returnable forthwith and heard.

2. The writ jurisdiction of this Court is invoked against the

orders dated 09.03.2016 passed by the Additional Commissioner, Pune Division, Pune, by which orders the application for stay filed by the Petitioners in each of the above Petitions pending their Appeals came to be rejected.

3. It is not necessary to burden this order with unnecessary details. Suffice it would be to state that the Petitioners in the above Petitions have been elected as members of the Gram Panchayat Adhegaon, Taluka Mohol, District Solapur. They have been elected un-opposed. Proceedings came to be initiated against the Petitioners under Section 14B of the Maharashtra Village Panchayats Act for disqualifying the Petitioners on the ground that they have not submitted an account of the election expenses. It seems that on notice being served upon the Petitioners, the Petitioners filed their reply along with the account of the election expenses. The Collector however did not countenance the said submission of the account of the election expenses and by order dated 08.02.2016 allowed the application and disqualified the Petitioners as also disqualified them from contesting the election for a further period of five years.

4. The said order dated 08.02.2016 was taken exception to by the Petitioners before the Additional Commissioner under Section 16 of the said Act. In the said Appeals, the Petitioners filed an application for

stay which has been rejected by the Additional Commissioner by the impugned orders all dated 09.03.2016.

5. The said Applications have been rejected as the impugned order discloses on the ground that in view of the observations made by the Collector in paragraph 7, stay could not be granted to the Petitioners. In the said context, it is required to be noted that the Petitioners have been elected un-opposed as members of the Gram Panchayat Adhegaon in the year 2005 and have been disqualified on the ground that they have not submitted their election expenses.

6. In my view, it is just and proper to grant stay to the order dated 08.02.2016 passed by the Collector Solapur pending the Appeal before the Additional Commissioner. The impugned orders all dated 09.03.2016 would accordingly stand quashed and set aside. The stay applications filed by the Petitioners would stand allowed. Resultantly, the orders passed by the Collector Solapur dated 08.02.2016 would stand stayed pending the Appeals. The Additional Commissioner is directed to decide the Appeals expeditiously by giving proper opportunity to the parties. The Petitions are allowed to the aforesaid extent. Rule is accordingly made absolute with parties to bear their respective costs.

[R.M. SAVANT, J]