

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1967 OF 2016

Sau. Alka Bansi Binnar

.. Petitioner

Versus

Gram Sevak Grampanchayat,
Pimple, Taluka Sinnar, District Nashik
and others

.. Respondents

Shri. R. N. Gite, for the Petitioner.

Shri. S. P. Dighe, for the Respondent No.2.

Shri. S. D. Rayrikar, AGP for the Respondent No.3.

CORAM : R.M. SAVANT, J.
DATE : 28th MARCH 2016

PC.

1. The writ jurisdiction of this Court is invoked against the order dated 06.08.2015 passed by the Additional Commissioner, Nashik Division, Nashik, by which order, the application for stay pending the Appeal filed by the Petitioner came to be rejected.

2. The Petitioner has filed the Appeal in question being Gram Panchayat Appeal No.27 of 2015 aggrieved by the order dated 14.07.2015 passed by the Additional Collector, Nashik, disqualifying the Petitioner under Section 14(J-3) of the Maharashtra Village Panchayat Act, 1958. Since admittedly, the Appeal is pending before the Additional

Commissioner, Nashik Division, Nashik, it would be just and proper to direct the Additional Commissioner to decide the said Appeal within a particular time frame and till the said decision the order passed by the Additional Collector is stayed. Hence, the following directions :-

- I) The Additional Commissioner, Nashik Division, Nashik is directed to hear and decide the Appeal latest by 30.06.2016.
- II) Till the Appeal is decided the order dated 14.07.2015 passed by the Additional Collector, Nashik would stand stayed.
- III) The said Appeal to be decided on its own merits and in accordance with law and the grant of stay should not be construed as any expression of opinion on the merits of the case of the Petitioner before the Appellate Authority.
- IV) The contentions of the parties in the Appeal are kept open for being urged before the Appellate Authority. The Appellate Authority to give proper opportunity to the parties and decide the Appeal. The parties to appear before the Appellate Authority on 06.04.2016.

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V) With the aforesaid directions the Writ Petition is disposed of.

[R.M. SAVANT, J]