

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

WRIT PETITION NO.6537 OF 2016

Shri. Sampat Vasudeo Chavan Petitioner
Vs.
Shri. Rahul Shivaji Bhad & Ors. Respondents

**WITH
WRIT PETITION NO.6538 OF 2016**

Smt. Vaishali Baburao Bhad Petitioner
Vs.
Shri. Rahul Shivaji Bhad & Ors. Respondents

**WITH
WRIT PETITION NO.6539 OF 2016**

Shri. Suraj Sampatrao Kakade Petitioner
Vs.
Shri. Rahul Shivaji Bhad & Ors. Respondents

**WITH
WRIT PETITION NO.6541 OF 2016**

Shri. Sudhir Gowardhan Dashwant Petitioner
Vs.
Shri. Rahul Shivaji Bhad & Ors. Respondents

**WITH
WRIT PETITION NO.6536 OF 2016**

Sou. Anjana Sambhaji Paikekar Petitioner
Vs.
Shri. Rahul Shivaji Bhad & Ors. Respondents

WITH
WRIT PETITION NO.6540 OF 2016

Sou. Usha Raghunath Garad Petitioner
Vs.
Shri. Rahul Shivaji Bhad & Ors. Respondents

WITH
WRIT PETITION NO.6542 OF 2016

Shri. Atul Sampatrao Yadav Petitioner
Vs.
Shri. Rahul Shivaji Bhad & Ors. Respondents

Mr. G. M. Savagave for the Petitioners.
Mr. Vibhav Ugale for the Respondent Nos. 1,3 & 4.
Mr. S.D. Rayrikar, AGP for Respondent Nos. 5 to 8.

CORAM : K. K. TATED, J.
DATED : 14/09/2016

P.C.:

. Heard learned Counsel for the parties.

2 By these petitions, the petitioners are challenging the order dated 18.05.2016 passed by the Respondent No.6 rejecting Petitioners' applications for stay of order dated 30.04.2016 passed by the learned Collector, Solapur in respective Village Panchayat Dispute Applications.

3 In the present matters, the learned Collector by order dated 30.04.2016 under Section 14-B of the Maharashtra Village Panchayat Act, 1959 disqualified the Petitioners as a members of Gram Panchayat for non filing of account of expenditure incurred by them in election in

prescribed form.

4 The learned counsel for the petitioners submits that if accounts filed within time, Section 14-B of the said Act is not applicable. In support of this contention, he relies on judgment of this Court in the matter of *Sahebrao Dashrathrao Patole V/s. State of Maharashtra and Ors reported in 2010(5) Mh.L.J 462*. He submits that all the petitioners filed their statements of account within one month from the date of election. He further submits that though they preferred the Appeals before Respondent No.6 and same is pending for hearing and final disposal on its own merits, the Additional Commissioner, Pune, Division Pune without given any reasons dismissed the petitioners' applications for stay. He submits that pending the hearing and final disposal of Appeals before the Respondent No.6, the operation and implementation of the orders passed by the learned Collector, Solapur be stayed. He submits that if stay is not granted, irreparable loss will be caused to the petitioners.

5 On the other hand, the learned counsel for the Respondent Nos. 1, 3 and 4 original complainants submits that Respondent No.6 after considering the evidence on record rightly rejected the Petitioners' applications for stay. He submits that it is mandatory under Section 14-B of the Maharashtra Village Panchayat Act and as per circular issued by the Election Commissioner, candidates have to submit their accounts of election expenses in prescribed form. Not only that, candidates have to maintain the separate bank accounts. He submits that in the present proceeding, neither the petitioners submitted their accounts of election

expenses in prescribed form, nor maintained separate bank account for election expenses. Hence, there is no question of granting any stay in favour of the Petitioners during the pendency of the Appeals before the Respondent No.6.

6 The learned AGP appearing on behalf of State submits that he received instructions that the Respondent No.6 will dispose off all the Appeals within three months from today after giving hearing to both the parties.

7 It is to be noted that in the present proceeding, the petitioners filed their statements of expenses with the concerned authority immediately within fifteen days from the date of election. Whether it is mandatory on the part of candidates to submit the expenses in prescribed form and whether they have to maintain a separate bank account, is required to be considered at the time of final hearing of the Appeals.

8 Considering the submissions made by the learned AGP that Respondent No.6 requires three months time to dispose of the Appeals on its own merits, I am satisfied that during the pendency of the Appeals, the operation and implementation of the order passed by the learned Collector, Solapur in Village Panchayat Dispute applications are required to be stayed.

9 Hence, the following order is passed:

- a) All Writ Petitions are partly allowed.

b) Orders dated 30.04.2016 passed by learned Collector, Solapur in Gram Panchayat Dispute applications filed by the Respondents complainants, is stayed during the pendency of the Appeals before the Respondent No.6.

c) The Respondent No.6 to dispose of all those Appeals within three months from the receipt of copy of this order.

d) Parties are directed to remain present before Respondent No.6 on 28.09.2016 for fixing date of hearing.

e) It is made clear that there is no question of issuing fresh notice to respective parties, in appeal pending before Respondent No.6.

f) Respondent No.6 to decide the Appeals on its own merits without influencing the order passed by this Court.

(K.K.TATED, J.)