

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

WRIT PETITION NO. 6033 OF 2016

Mangal Arjun Gaikwad and ors.

... Petitioners

vs.

Channaveer Shivanand Honmurgikar and ors.

... Respondents

Mr. Ashok B. Tajane, Advocate for the petitioners.

Mr. S. S. Inamdar, Advocate for respondent no.1.

Mr. S. D. Rayrikar, Additional Government Pleader for respondents no.3 &4.

Coram : Smt. R. P. SondurBaldota, J.

Date : 14th June, 2016

P.C. :

1. This petition challenges the order dated 30th May, 2016 by which the Additional Commissioner, Pune Division, Pune rejected the petitioners application for interim relief, filed in the appeal preferred by the petitioners, against the order dated 28th March, 2016 passed by the Collector, Solapur, by which the petitioners were declared disqualified as members of Gram-panchayat for a period of five years from the date of declaration and also to contest the Gram-panchayat election. The reason for disqualification of the petitioners is failure on their part to submit accounts of the election expenses within a period of one month from the date of election i.e. 23rd October, 2012. Admittedly, the petitioners had not submitted the accounts of the election within the prescribed period. The accounts

were submitted as late as on 15th January, 2013. The record shows that there was no explanation offered for nonsubmission of the accounts in time.

2. Mr. Tajane, the learned advocate for the petitioners submits that the appellate authority has passed a cursory and nonspeaking order on the application for interim relief while rejecting the same. He submits that it was necessary for the appellate authority to pass a speaking order on the application of the petitioners, particularly when the consequence of the order is to disqualify the petitioners for a period of five years from the date of the order. Ideally the impugned order ought to have been a more detailed order. The appellate authority is however only a quasi-judicial authority. Therefore its order cannot be on par with a judicial order in the matter of details for obvious reasons. Further the petitioners have admittedly not filed the statements of account within one month from the date of the election. In the circumstances on a prima facie view, there is no infirmity, whatsoever, in the order of the appellant authority. The petition is dismissed.

[Smt. R. P. SondurBaldota, J.]