

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7624 OF 2016

Vijay Sopan Dongare

.....Petitioner

V/s.

Loni Deokar Village Panchayat
and Ors.

.....Respondents

* * * * *

Mr. S.S. Patwardhan, Advocate for the petitioner.

Mr. S.D. Rayrikar, Advocate for respondents no.3 and 4.

CORAM :- SMT. R.P. SONDURBALDOTA, J.

DATED :- 12TH JULY, 2016.

P.C. :-

1). After the matter is partly argued, Mr. Patwardhan, the learned Advocate appearing for the petitioner submits that the interest of justice of the petitioner would be served, if directions are given for expeditious hearing of his appeal by the Additional Commissioner, Pune Division, Pune. The order impugned in this petition rejects the request of the petitioner for interim relief pending the hearing of the appeal before the Additional Commissioner. He points out that, while rejecting the request for interim reliefs, the Additional Commissioner has neither stated the

reasons nor fixed the date for hearing of the appeal and submits that the Additional Commissioner may be directed to dispose off the appeal within a reasonable period.

2). Perusal of the impugned order shows that, there are no reasons whatsoever stated therein for rejecting the petitioner's application for interim reliefs though submissions thereon were heard by the Additional Commissioner. The second grievance of Mr. Patwardhan is also seen to be justified since the order states that the next date of hearing of the appeal would be given after the proceedings from the lower Court i.e. the Additional Collector, Pune are received. This would cause prejudice to the petitioner in the event of the respondents declaring by-election to the Gram Panchayat, Loni Deokar for Ward No.3. In the circumstances, in my opinion, the petition can be disposed off with a direction to the Additional Commissioner, Pune Division, Pune to dispose off Appeal No.40 of 2016 pending before him within a period of 4 weeks from today. The petitioner shall appear before the Additional Commissioner on 18th July, 2016 for the purpose of fixing up the date of hearing of the appeal.

(SMT. R.P. SONDURBALDOTA, J)