

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**WRIT PETITION NO.1955 OF 2016**

(TULSABAI NEMDASH LAMBAT...VS..ADDITIONAL COMMISSIONER, NAGPUR DIVISION, NAGPUR &  
2 OTH.)

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

**CORAM : Z.A.HAQ, J.**

**DATED : JULY 25, 2016.**

**CIVIL APPLN.(CAW) NO. 1470/2016.**

Heard Shri S.A. Chaudhari, advocate for the applicant/intervener, Shri Masood Sharif, advocate for the petitioner and Shri H.R. Dhumale, A.G.P. for the respondent No.1.

The order disqualifying the petitioner is passed on the complaint of the intervener/ applicant.

For the reasons stated in the application, the applicant is permitted to participate in the proceedings as respondent No.4.

The civil application is allowed accordingly.

**WRIT PETITION NO. 1955/2016.**

Heard learned advocates for the respective parties.

The learned advocate for the petitioner has submitted that the order under Section 39(1) of the Maharashtra Village Panchayats Act, 1958 is required to be passed by the Commissioner and the Additional Commissioner who has passed the impugned order on delegation could not have passed the order. To support the submission, reliance is placed on the judgment given in the case of *Arun Rajaram Raut & Anr. Vs. The Divisional Commissioner, Nagpur and others* in **Writ Petition No. 4444 of 2012** on 31<sup>st</sup> January, 2013.

**RULE.**

The effect, operation and execution of the impugned order shall stand stayed until further orders.

The learned advocate for the petitioner has submitted that inspite of order passed by this Court on 22<sup>nd</sup> March, 2016 directing the parties to maintain status-*quo*, the petitioner is not permitted to work as Sarpanch of the Gram Panchayat.

Shri S.A. Choudhari, advocate for the respondent No.4 states that the respondent No.4, who is Up-Sarpanch, has taken over charge of the post of Sarpanch of the Gram Panchayat.

The respondent No.4 is directed to handover charge of Sarpanch of the Gram Panchayat to the petitioner forthwith.

Ms. H.N. Prabhu, A.G.P. waives notice for the respondent No.1 and Shri S.A. Choudhari, advocate waives notice for the respondent No.4.

JUDGE

*RRaut..*

**CERTIFICATE**

I certify that this order uploaded is a true and correct copy of original signed order.

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