

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

909 WRIT PETITION NO.504 OF 2017

SHIVAJI SAMBHAJI GANGARDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Bharat Pankaj A
Mr. SP Tiwari, AGP for Respondents: 1 to 3;
Mr. Kulkarni Sanket S. For R/6

CORAM : P.R.BORA, J.

DATE : 5th April, 2017.

PER COURT :

1) Heard. The present petition is filed against the order dated 29th November, 2016 passed by the Additional Commissioner, Nasik Division, Nasik, whereby the learned Commissioner has rejected the request of the petitioner for staying the effect and operation of the order passed by the Collector on 21st November, 2016.

2) Respondent No.6 herein had filed an application before Collector, Ahmednagar seeking disqualification of the present petitioner alleging that the petitioner has made

encroachment on the Gram Panchayat property. The allegation so raised is upheld by the Collector and accordingly the petitioner has been disqualified vide the order dated 25th November, 2016. The petitioner has filed an appeal before the Additional Commissioner, Nasik, challenging the said order. In the said appeal, interim stay was asked for by the petitioner, however, the same has been rejected and the said order is challenged in the present petition.

3) After having heard the learned Counsel appearing for the parties and on going through the record of the case, it appears to me that without going into merits of the case, the present petition can be disposed of by directing the learned Additional Commissioner, Nasik to expeditiously decide the appeal filed by the present petitioner preferably within a period of three months from the date of this order and it is accordingly directed. In the meanwhile, if the programme of election is declared to fill up

the post, which has fallen vacant because of the disqualification of the present petitioner, it would be open for the petitioner to approach the Appropriate Authority.

4) With the aforesaid observations, the petition stands disposed of.

(P.R.BORA,J.)

bdv/