

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10850 OF 2016
(Bhagwan Mansaram Khairnar Vs. The State of Maharashtra
and others)

Mr. Sumit S. Agrawal, Advocate for the Petitioner
Mr. A.B. Girase, Govt. Pleader for the respondent/State

CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.
DATE : 7th FEBRUARY, 2017

PER COURT :

The petition is filed seeking direction to the Authority – the Collector, Aurangabad to decide the dispute application filed before him on 21st March, 2016 under the provisions of the Bombay Village Panchayat Act, 1958 for disqualification.

2. Notice to the respondent Nos. 1 to 3, waived by the learned Government Pleader.

3. Heard the learned counsel for the petitioner and the learned Government Pleader.

4. Section 16 of the Bombay Village Panchayat Act, 1958 provides that the Collector suo motu or on an application made to him by any person in regard to disqualification of a member of the Village Panchayat, is expected to decide such application within sixty days

from the date of receipt of such application. It also provides that even when a member is disqualified on some ground during pendency of the dispute, he/she is allowed to work. In view of this circumstance, the dispute cannot be kept pending for an indefinite period. As stated above, the petitioner has filed the dispute application on 21st March, 2016. It appears that similar dispute application was filed on 16th October, 2015 by one of the villages. However, none of these applications has been decided by the Authority.

5. In view of above circumstances, a direction needs to be given to the Authority. Respondent No. 2 – the Collector, Aurangabad is directed to decide both the aforementioned dispute applications, on merit and in accordance with law, within 45 days from the date of receipt of this order. With these directions, the Writ Petition stands disposed of.

6. The parties to act on authenticated copy of this order.

[SANGITRAO S. PATIL]
JUDGE

[T.V. NALAWADE]
JUDGE