

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

932 WEIT PETITION NO. 13612 OF 2017

ABDUL BABA ABDUL KHADAR AND ANR.

VERSUS

THE STATE OF MAHARASHTRA AND ORS.

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Mr. U.B.Bilolikr, Advocate for Petitioners.

Mr. R.V.Dasalkar, A.G.P. for Resp. - State.

Mr. S.B.Pulkundwar, Advocate for R 3 & 4.

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**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA, JJ.**

DATE : 20th DECEMBER, 2017

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ORAL ORDER :

. Learned counsel for the petitioners submits that validation proceeding in respect of claim of the petitioners is still pending. However, respondent Nos. 3 and 4 are not allowing the petitioners to function.

2. Issue notice to the respondents. Learned A.G.P. waives service for respondent Nos. 1,2 and 5. Mr. Pulkundwar, learned counsel waives service for respondent Nos. 3 and 4.

3. As the validation proceeding in respect of claim of the petitioners is pending and in view of the fact that the Judgment of Full Bench of this Court in the case of **Anant H.Ulahalkar & Ors. Vs. The State of Maharashtra reported in 2017 [1] Mh.L.J. 431** has been stayed by the Apex Court in **S.L.P. No. 1326-27 of 2017**, there will be no impediment for the petitioners to function as members of Gram Panchayat, in case there is no other ineligibility.

4. With these observations, the Writ Petition stands disposed of. No costs.

[V.L.ACHLIYA, J.]

[S.V.GANGAPURWALA,J.]