

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11655 OF 2016
(Sheetal Narayan Khillare Vs. District Collector,
Hingoli and others)

AND

WRIT PETITION NO. 11656 OF 2016
(Sangeeta Najukrao Sanap Vs. District Collector, Hingoli
and others)

AND

WRIT PETITION NO. 12079 OF 2016
(Asha Dalitnandan Khillare Vs. District Collector,
Hingoli and others)

Mr. Shailendra S. Gangakhedkar, Advocate for the
Petitioners

Mr. S.B. Joshi, A.G.P. for respondent Nos. 1 to 3

Mr. S.G. Dodya, Advocate for respondent No. 4

Mr. R.J. Nirmal, Advocate for respondent No. 5/State

CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.

DATE : 13th FEBRUARY, 2017

ORAL ORDER :

Heard the learned counsel for the respective
parties and the learned A.G.P., representing the State.

2. All these petitions are filed to challenge show
cause notices, dated 20th October, 2016. issued by
respondent No. 1 – the District Collector, Hingoli in
the proceedings initiated under the provisions of
Section 10-1A of the Maharashtra Village Panchayat Act,
1958.

3. The learned counsel appearing for the petitioners submits that the decision rendered by the Full Bench of this Court, by which it is held that the provision of Section 10-1A of the said Act of 1958 is mandatory in nature and the disqualification relates back to the date of election, is stayed by the Hon'ble Apex Court in Special Leave Petition No. 1358 of 2017. He submits that as the stay is granted by the Apex Court, the proceedings filed before the Collector for disqualification on the ground that the caste validity certificate was not filed by the petitioners within a period of six months, cannot go on.

4. For the purpose of present petitions, even if it is presumed that the provision of Section 10-1A of the Maharashtra Village Panchayat Act, 1958 is directory in nature, there is still power with the Collector in view of the provisions of Section 10-1A read with Section 16 of the Maharashtra Village Panchayat Act, 1958 to decide such proceedings.

5. As the challenge is against the show-cause notices issued by the Collector in the proceedings filed

for disqualification, we hold that there is no need to interfere in the matters. The petitioners are at liberty to file the reply before the Collector in the pending proceedings on or before the next date fixed before the Collector. With these observations, all the three Writ Petitions are dismissed. No costs.

[SANGITRAO S. PATIL]
JUDGE

[T.V. NALAWADE]
JUDGE

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