

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.597 OF 2017

Kusum Pralhad Tekawade and ors. : Petitioners.
versus
The Additional Collector, Pune and ors. : Respondents.

Mr. Abhijit P Kulkarni for the Petitioners.
Mr. Rahul Kadam for the proposed Respondent No.4.
Mr. S L Babar, AGP for the Respondent Nos. 1 to 3.

CORAM : R. M. SAVANT, J.
DATE : 18th January 2017

P.C.

1 At the outset the learned counsel for the Petitioners seeks to leave so as to join one Shri Sachin Sudhakar Tekawade as party Respondent to the above Petition, whom the learned Advocate Shri Rahul Kadam is representing. Leave granted. Amendment to be carried out forthwith.

2 The writ jurisdiction of this Court is invoked against the order dated 09/01/2017 passed by the Additional Collector, Pune by which order the Tahsildar has been directed to hold elections to the post of Sarpanch which would be subject to the result of the appeal filed by the Petitioner No.1 herein. The Petitioners take exception to the order on the ground that such a direction for holding the election to the post of Sarpanch could not have been issued having regard to the fact that the appeal filed by the Petitioner No.1 is pending and since the alternate arrangements were already made by the Block

Development Officer of the Panchayat Samiti. It seems that the Petitioner Nos.1 and 3 have been disqualified under Section 14(1)(j) of the Maharashtra Village Panchayat Act for allegedly carrying out the encroachment on the government land. The said Petitioners filed appeals in which they filed an application for stay which was rejected by the Additional Commissioner, Pune. The said rejection was confirmed by a learned Single Judge of this Court by dismissing Writ Petition No.8807 of 2016 and Writ Petition No.8820 of 2016 filed by the Petitioner Nos.,1 and 3 by order dated 05/08/2016.

3 In view of the said rejection of the stay, there was no impediment in the way of the authorities for holding the election to the post of Sarpanch which has fallen vacant in view of the disqualification of the Petitioner No.1. Since the Petitioners' interest is adequately protected by the impugned order inasmuch as the impugned order records that the election would be subject to the result of the proceedings filed by the Petitioner No.1, in my view, no interference is called for with the impugned order. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]