

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1522 OF 2017**

Vishal Jaywant Shinde

..Petitioner

Vs.

Imtiyaz Abdul Rahiman Mujawar & Ors

..Respondents

Mr. Rakesh Bhatkar for the Petitioner

Mr. S. D. Rayrikar AGP for the Respondent Nos.1 and 2

Mr. P. D. Dalvi for the Respondent No.3

CORAM : R. M. SAVANT, J.

DATE : 8th FEBRUARY, 2017

P.C.

1 The refusal of the stay by the Appellate Authority i.e. the Additional Commissioner Konkan Division, Mumbai by the impugned order dated 27-1-2017 is taken exception to by way of the above Petition.

2 The Petitioner is an elected member of the Grampanchayat Shirgaon, Taluka and District Ratnagiri. The Petitioner has been disqualified under Section 14(1)(g) read with Section 16 of the Maharashtra Village Panchayats Act 1958. The said disqualification is by the order dated 3-1-2017 passed by the Additional Collector, Ratnagiri. Against the said order, the Petitioner has filed an Appeal before the State Government. The said Appeal is being heard by the Additional Commissioner, Konkan Division. The stay application filed by the Petitioner in the said Appeal has been rejected by the Additional Commissioner, Konkan Division by the impugned order dated 27-1-2017.

3 In my view, considering the fact that the Petitioner is an elected member of the Grampanchayat and since the substantive Appeal filed by him is pending before the Additional Commissioner, Konkan Division, it would be just and proper to stay the order dated 3-1-2017 passed by the Additional Collector disqualifying the Petitioner. Hence the following directions :

- (i) The order dated 3-1-2017 passed by the Additional Collector would stand stayed pending consideration of the Appeal filed by the Petitioner.
- (ii) The Additional Commissioner Konkan Division is directed to hear and decide the Appeal latest by 30-4-2017.
- (iii) Needless to state that the contentions of the parties are kept open for being urged before the Additional Commissioner, Konkan Division.

4 With the aforesaid directions, the above Writ Petition is disposed of.

[R.M.SAVANT, J]