

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

WRIT PETITION NO. 5089 OF 2017

Sou. Almas Abdulrafique Jamadar ... Petitioner
V/s.
The Additional Commissioner Pune & Ors. ... Respondents

**WITH
WRIT PETITION NO. 5092 OF 2017**

Sou. Chimabai Namdeo Kambale ... Petitioner
V/s.
The Additional Commissioner Pune & Ors. ... Respondents

**WITH
WRIT PETITION NO. 5117 OF 2017**

Sou. Priyanka Appaso Kambale ... Petitioner
V/s.
The Additional Commissioner Pune & Ors. ... Respondents

- Mr.Nitin B. Patil for the Petitioners.
- Ms.R.A. Salunkhe, AGP for Respondent Nos.1, 2 and 5.

**CORAM : NARESH H. PATIL &
DR.SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 2nd MAY, 2017.

P.C. :

1] The Petitioners, who are the elected persons of Grampanchayat, were disqualified to hold the post by an order of Respondent No.2-the Collector, Kolhapur in exercise of powers under Section 10(1A) and 16 of Maharashtra Grampanchayat Act. Learned

counsel for the Petitioners submits that the Petitioners have filed an Appeal before the Additional Commissioner, Pune. The main grievance of the Petitioners is that neither the appeal nor stay application was heard by the Additional Commissioner. It is the grievance of the Petitioners that the Additional Commissioner is not taking up the matter/present appeal.

2] Learned AGP submits that there are about 96 appeals pending before the Commissioner/Additional Commissioner. It is for the State Government to take necessary steps to provide remedial measures and necessary forums for expeditious disposal of the appeals filed by the candidates who were elected. In case the appeals/stay applications filed by the petitioners are pending for hearing, then we direct that the appeals/stay applications be heard expeditiously and decided on its own merits.

3] Learned counsel for the Petitioners prays for staying process of By-election. In the facts, we are not inclined to stay the election process.

4] The Writ Petitions are disposed of in terms of above directions.