

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6806 OF 2016**

Sau Savita Mohan Pardeshi : Petitioner.
versus
Sunil Rajaram Pondkule and ors. : Respondents.
ALONG WITH
WRIT PETITION NO.6807 OF 2016

Sau. Rupali Milind Kamble : Petitioner.
versus
Sunil Rajaram Pondkule and ors. : Respondents.

Mr. Milind Deshmukh for the Petitioners.
Mr. S S Choudhari for the Respondent No.1.
Mrs. V S Nimbalkar, AGP, for the Respondent No.3

CORAM : R. M. SAVANT, J.
DATE : 10th January 2017

P.C.

1 The Petitioners aggrieved by the rejection of their stay applications by the Additional Commissioner, Pune by the impugned order dated 02/05/2016 have approached this Court by way of the above Writ Petitions.

2 The learned AGP on instructions states that the present incumbent of the post of Additional Commissioner has assumed charged on 02/01/2017. She further states that the Appeals filed by the Petitioners would be decided as would be directed by this Court.

3 The Petitioners are the elected members of the Grampanchayat Shirvali, Tal. Baramati, Dist. Pune and have been disqualified under Section

14(j-3) of the Maharashtra Village Panchayat Act, 1958 on the ground of having carried out encroachment on government land. The said disqualification is by virtue of the order dated 06/04/2016 passed by the Additional Collector, Pune. The Petitioners filed Appeals under Section 35 (3B) of the said Act and filed applications for stay which have been rejected by non-speaking orders by the Additional Commissioner.

4 In my view, considering the fact that the Petitioners are the elected representatives, it would be just and proper to stay their disqualification albeit subject to the condition that the Petitioners would be entitled to participate in the meetings of the said Grampanchayat but would not be entitled to vote and draw allowances, if any. The parties would appear before the Additional Commissioner, Pune on 17/01/2017. The Additional Commissioner may hear and decide the Appeals expeditiously and latest by 15/02/2017 by giving proper opportunity to the parties. If the Petitioners fail to appear before the Additional Commissioner on 17/01/2017, the Additional Commissioner may then be free to proceed against the Petitioners in the manner he deems fit. The grant of stay should not be construed as any expression of opinion on merits of the case of the Petitioners. The Additional Commissioner would consider the Appeals on their own merits and in accordance with law. With the aforesaid directions, the above Writ Petitions to accordingly stand disposed of.

[R.M.SAVANT, J]