

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.7711 OF 2017

Sou. Asmita Kalpesh Patil

....Petitioner

Vs.

The Chief Executive Officer, Zilla Parishad & Ors.Respondents

Mr. Sachin Dhakephalkar for the petitioner.

Mrs. V.S. Nimbalkar, AGP for the State.

CORAM : K.K. TATED, J.

DATE : 12th July, 2017

P.C. :

1. Heard the learned counsel for the petitioner.
2. By this petition under Article 227 of the Constitution of India, petitioner is challenging the order dated 19.06.2017 passed by the Divisional Commissioner, Konkan Division, Mumbai in Case No.14 of 2017, under Section 39(3) of the Maharashtra Village Panchayat Act, 1958, removing her from the post of Sarpanch of Vadunavghar Gram Panchayat, tal. Bhiwandi, Dist. Thane.
3. The learned counsel for the petitioner submits that they preferred an appeal before the Hon'ble Minister on 07.07.2017 and also preferred stay application on same day. He submits that the Hon'ble Minister is not available for hearing the stay application. He submits that as per his instructions, the learned Minister has gone out of India. Therefore, he moved before this Court under Article 227 of the Constitution for ad-interim relief.

4. Yesterday, the matter was on board when this Court granted time to AGP to take instructions whether the learned Minister is available or not to hear the petitioner's application for stay and if he is available, how much time he will take.

5. The learned AGP submits that the concerned Minister is out of India. She submits that, in any case, authority will hear and dispose of the petitioner's stay application dated 07.07.2017 within one month from today. The statement is accepted.

6. Considering the submission made by the learned counsel for the petitioner and as the appeal alongwith the stay application is pending before the learned Minister for hearing on merits, I am satisfied that the petitioner has made out a case for ad-interim relief till the decision on her stay application before the learned Minister. Hence, the following order.

ORDER

(i) The learned Minister to decide the stay application filed by the petitioner on 07.07.2017 as early as possible preferably within one month from today.

(ii) Till the final decision on the petitioner's application dated 07.07.2017 for stay by the learned Minister, the parties are directed to maintain status quo as on today.

(iii) Writ petition is disposed of accordingly.

(K.K. TATED, J.)