

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1752 OF 2017

IN

WRIT PETITION NO. 5194 OF 2017

The Gramsevak, Grampanchayat	]	
Bhatghar, Tal. Khandala, Dist. Satara.	]	
& Ors.	]	Applicants

IN THE MATTER BETWEEN

Dattu Sakharam Bhise	]	Petitioner
Vs.		
The Additional Commissioner, Pune	]	
Division & Ors.	]	Respondents

WITH

CIVIL APPLICATION NO. 1753 OF 2017

IN

WRIT PETITION NO. 5196 OF 2017

The Gramsevak, Grampanchayat	]	
Bhatghar, Tal. Khandala, Dist. Satara.	]	
& Ors.	]	Applicants

IN THE MATTER BETWEEN

Sharda Balaso Kolekar	]	Petitioner
Vs.		
The Additional Commissioner, Pune	]	
Division & Ors.	]	Respondents

**WITH
CIVIL APPLICATION NO. 1754 OF 2017
IN
WRIT PETITION NO. 5198 OF 2017**

The Gramsevak, Grampanchayat	]	
Bhatghar, Tal. Khandala, Dist. Satara.	]	
& Ors.	]	Applicants

IN THE MATTER BETWEEN

Gautam Sileman Thombare	]	Petitioner
Vs.		
The Additional Commissioner, Pune	]	
Division & Ors.	]	Respondents

Mr. Abhijeet Kulkarni, for applicants and respondents No. 5 and 6 in Writ Petitions.

Mr. Ashutosh Kulkarni i/b Mr. Vaibhav Gaikwad, for petitioners in Writ Petitions.

Ms. Jyoti Jadhav, for respondents No.1 to 3.

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CORAM : R.G. KETKAR, J.

DATE : 4th AUGUST, 2017.

P.C.

Heard Mr. Abhijeet Kulkarni, learned Counsel for applicants and respondents No.5 and 6 in Writ Petitions, Mr. Ashutosh Kulkarni, for petitioner in Writ Petitions and Ms. Jadhav, for respondents No.1 to 3 at length.

2. By these applications, applicants have prayed for vacating ad-interim order granted by this Court on 28th April, 2017 in Writ Petitions No. 5194, 5196 and 5198 of 2017. Mr. Abhijeet Kulkarni submitted that after the order in the Petitions was passed

on 14th December, 2016, Administrator was appointed on the Gram Panchayat on 16th January, 2017. Immediately, on the same day, Administrator took charge. He submitted that this fact was not disclosed to this Court while obtaining interim order on 28th April, 2017.

3. Mr. Abhijeet Kulkarni submitted that as Administrator had already taken charge, original petitioners are not entitled to relief in terms of prayer clause (c) of the Petition, thereby, staying operation of the order dated 14th December, 2016. He, therefore, submitted that ad-interim order deserves to be vacated as the same was obtained by suppressing material facts from this Court.

4. On the other hand, Mr. Ashutosh Kulkarni submitted that after the Administrator was appointed on 16th January, 2017, he took charge on or about 31st January, 2017. He invited my attention to affidavit in reply filed by the petitioners and order dated 18th May, 2017 annexed to the affidavit. He submitted that Block Development Officer Class-I, Panchayat Samiti Phaltan revoked appointment of Administrator. He, therefore, submitted that in view of the subsequent developments, interim order may not be vacated. He fairly states that he cannot justify non disclosure of appointment of Administrator and taking charge by the Administrator.

5. I have considered the rival submissions advanced by learned Counsel for the parties. I have also perused material on

record. As noted earlier, impugned order was passed on 14th December, 2016. It is not in dispute and rather it is a matter of record that Administrator was appointed on Grampanchayat on 16th January, 2017 and on the same day, the charge was taken. Even as per the original petitioner, Administrator took charge on or about 31st January, 2017. The Petitions are instituted on or about 27th April, 2017. Thus, when the Petitions were filed, Administrator had already taken charge of Grampanchayat. Original petitioners, however, did not disclose this fact while obtaining interim order. A perusal of order dated 18th May, 2017 passed by the Block Development Officer shows that appointment of Administrator was cancelled only because of order dated 28th April, 2017 passed by this Court. Had the fact of appointment of Administrator and his taking over charge been disclosed to this Court, blanket stay to the order dated 14th December, 2016 would not have been granted.

6. In view thereof, interim order granted in terms of prayer clause (c) is modified and stay to the impugned order is vacated. Disqualification ordered as per the impugned order is stayed. Administrator appointed is directed to take charge of Grampanchayat forthwith. Learned A.G.P shall communicate this order to the Block Development Officer Phaltan. Original petitioners shall hand over the charge to the Administrator without raising any objections. Civil Applications are allowed accordingly with no order as to costs.

[R.G. KETKAR, J.]