

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

WRIT PETITION NO. 13112 OF 2017

Ashok Aba Patil .. Petitioner
v/s.
Additional Commissioner Revenue
Division & Ors. .. Respondents

WITH

WRIT PETITION NO. 13114 OF 2017

Surekha Prakash Patil .. Petitioner
v/s.
Additional Commissioner Revenue
Division & Ors. .. Respondents

WITH

WRIT PETITION NO. 13115 OF 2017

Chaya Santosh Sutar .. Petitioner
v/s.
Additional Commissioner Revenue
Division & Ors. .. Respondents

WITH

WRIT PETITION (St.) NO. 32747 OF 2017

Narayan Bandu Patil .. Petitioner
v/s.
Additional Commissioner Revenue
Division & Ors. .. Respondents

WITH

WRIT PETITION (St.) NO. 32751 OF 2017

Bhimrao Hariba Karande .. Petitioner
v/s.
Additional Commissioner Revenue
Division & Ors. .. Respondents

Mr. Chetan G. Patil for the petitioner
Mr. S.H. Kankal, AGP for respondent State

CORAM : M.S. SANKLECHA, J.
DATED : 29th NOVEMBER, 2017

P.C.

1. By consent of the parties, all the petitions are taken up for final disposal. Mr. Patil, learned Counsel for the petitioner states that the respondents in all the petitions have been served. Mr. Patil undertakes to file affidavits of service in all the petitions by 4th December, 2017.

2. All these petitions challenge identical orders dated 22nd August, 2017 passed by respondent no.1 – Additional Commissioner, Revenue Division Pune upholding identical orders dated 12th April, 2017 passed by the Collector. Each of these five orders dated 22nd August, 2017 has upheld the order dated 12th April, 2017 holding that the petitioner is disqualified as panch member on account of failure to lodge election expenses with the Returning Officer in terms of Section 14B of the Maharashtra Gram Panchayat Act, 1949 (the Act).

3. It is an agreed position between the parties that originally the

petitioners had filed one common petition by six elected members of Gram Panchayat of Village Patane, Tal. Shahuwadi, Dist. Kolhapur being Writ Petition No.12570 of 2017 on account of disqualification under Section 14B of the Act. This Writ Petition No.12570 of 2017 as filed included all the five petitioners in these five petitions. However, at its hearing on 21st November, 2017, a preliminary objection was raised on behalf of the respondents that a common petition in respect of six petitioners cannot be entertained. This on the ground that the challenge in this case is not to a common order but six different orders dated 22nd August, 2017 passed by the Divisional Commissioner, was being challenged. At that time, Mr. Patil, learned Counsel appearing for the petitioner restricted the Writ Petition No.12570 of 2017 to only one petitioner therein namely petitioner no.4 Mrs. Shobhatai Shamrao Patil and withdrew the other petitioners there with liberty to file separate petitions. Liberty was granted.

4. The aforesaid petition No.12570 of 2017 was disposed of on 21st November, 2017 by quashing and setting aside the orders dated 12th April, 2017 and 22nd August, 2017 passed by the Collector and

the Divisional Commissioner respectively and the proceedings were restored to the file of Collector to pass a fresh order after following principles of natural justice, preferably within a period of two months from the date of the first appearance of the parties.

5. It is an undisputed position between the parties that facts and law in these five petitions are identical to the one which was under consideration in Writ Petition No.12570 of 2017 which was disposed of by order dated 21st November, 2017. Therefore, it is an agreed position that the order dated 21st November, 2017 will apply to the present facts.

6. In the above view, in all these petitions, the order dated 12th April, 2017 passed by the Collector and order dated 22nd August, 2017 passed by the Divisional Commissioner are quashed and set aside. The proceedings in respect of all these petitions are now restored to the file of the Collector to pass a fresh order after following principles of natural justice, preferably within a period of two months from the date of first appearance of the parties. It is made clear that all contentions are left open to be urged before the

Authorities under the Act.

7. Accordingly, all the petitions are disposed of in the aforesaid terms. No order as to costs.

(M.S. SANKLECHA, J.)