

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 6300 OF 2016

(Ashish s/o Prakash Awale ..vs.. The Hon'ble Minister, Rural Development, Maharashtra State, Mumbai
and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri V.G. Dhage, Advocate for the petitioner,
Shri K.R. Lule, A.G.P. for the respondent Nos.1 and 2,
Shri A.R. Ingole, Advocate for the respondent No.4.

CORAM : Z.A. HAQ, J.
DATED : 14-02-2017

The petitioner has assailed the orders passed by the subordinate authorities removing him under Section 39 of the Maharashtra Village Panchayats Act, 1958 from the office of Member of Gram-Panchayat on the ground that the petitioner is residing with his father who is defaulter of the Gram-Panchayat having not paid the taxes. The submission on behalf of the petitioner is that non-payment of tax or fee due to the Gram-Panchayat incurs disqualification as per Section 14(1)(h) of the Maharashtra Village Panchayats Act, 1958 but the Commissioner cannot remove the Member of Gram-Panchayat on this ground exercising his powers under Section 39 of the Maharashtra Village Panchayats Act, 1958.

The point raised by the petitioner requires consideration.

Rule.

The effect, operation and execution of the impugned order shall stand stayed, until further orders.

Shri K.R. Lule, Assistant Government Pleader waives notices for the respondent Nos.1 and 2.

Shri A.R. Ingole, Advocate waives notice for the respondent No.4.

Civil Application No.382/2017.

By the order passed on 25-10-2016, this Court directed the parties to maintain *status quo*. However, according to the petitioner, he is not permitted to participate in the proceedings of the Gram-Panchayat as its Member. In view of the order of *status quo*, the post for which the petitioner is making claim is vacant. As interim order is granted in favour of the petitioner, it is directed that the petitioner shall be permitted to participate in all the affairs of Gram-Panchayat, as its Member.

The civil application is allowed accordingly.

JUDGE