

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

WRIT PETITION NO. 2973 OF 2017

(Nanda w/o Surendra Gawande vs. State of Maharashtra thr. Minister of Rural Development & Ors.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
A.S. CHANDURKAR, JJ.
JUNE 05, 2017.**

Heard Shri A.S. Dhore, learned counsel for the petitioner and Shri A.V. Palshikar, learned AGP for respondent Nos. 1, 2, 4 & 6. Nobody appears for respondent Nos. 3 & 5.

2. In this writ petition, the petitioner – a disqualified Sarpanch seeks expeditious disposal of appeal filed under Section 39(3) of the Maharashtra Village Panchayat Act, 1958, and pending with the State Government. Stay of proposed election to fill-in the vacancy is also sought.

3. This Court has issued notice in the matter on 16.05.2017 and made it returnable on 26.06.2017. On 01.06.2017, the matter was directed to be listed today.

4. Shri Dhore, learned counsel has produced before a communication dated 31.05.2017 sent by the State Government to the petitioner. It is taken on record as Exh. “X”. Appeal preferred by the petitioner is coming up for hearing on 06.06.2017 at 2.30 PM.

5. The grievance is, Election to fill in the vacancy

after removal of the petitioner is scheduled today in the afternoon.

6. The learned AGP submits that pending appeal shall be decided within two weeks.

7. The petitioner has been disqualified because her husband has been allegedly caught red handed while accepting bribe from the Contractor.

8. In this situation, interest of justice can be met with by directing Respondent No. 1 to decide the appeal at the earliest and in any case within a period of two weeks from today.

9. The Election as scheduled can proceed to fill in the vacancy, however, the same shall be subject to further orders in the Appeal.

10. With these directions and observations, writ petition is disposed of. However, there shall be no order as to costs.

JUDGE

JUDGE

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