

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

WRIT PETITION No. 4429/2017.

Vinod Keshavrao Umredkar, Nagpur and another.

-VERSUS-

State of Maharashtra and others.

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 &
ARUN D. UPADHYE, JJ.

DATE : SEPTEMBER 05, 2017.

Heard Shri U.K. Bisen, learned Counsel for petitioners, Shri S.Y. Deopujari, learned Counsel for respondent no.1, Shri D.P. Thakare, learned Addl.G.P. for respondent nos. 3 and 4, Shri J.B. Kasat, learned Counsel for respondent no.2 and Shri S.N. Gaikwad, learned Counsel for respondent no.5, for some time.

2. Submission is, tenure of Councilors of Nagpur Zilla Parishad of 5 years has expired on 20.03.2017, hence, as per Constitutional Mandate, the elected Councilors/Panchayat Samiti Members cannot hold office and they have to vacate it.

3. Respondents have invited our attention to

2

the fact that Parshioni village in jurisdiction of Zilla Parishad, till then a Panchayat Samiti and now has been converted into Nagar Panchayat.

4. This conversion was questioned unsuccessfully before this Court and the aggrieved person has now approached the Hon'ble Supreme Court of India in Special Leave Petition (Civil) No. 5841/2017. On 23.02.2017, the Hon'ble Supreme Court while granting leave has directed status quo as on that day to continue until further orders.

5. Learned Addl.G.P., Shri Kasat and Shri Deopujari, learned Counsel appearing for respondent submits that status quo in all respect granted by the Hon'ble Supreme Court needs to be maintained and as such excluding Parshioni, exercise of ward formation or any other steps for holding general elections can not be taken.

6. According to learned counsel for the petitioner, status quo is in relation to Parshioni, and after its conversion into Nagar Panchayat. Hence, this Court has to accept that Parshioni is no longer a Panchayat Samiti and therefore elections of rest of area is required to be undertaken.

7. We are not in a position to accept this

3

contention. The order of status quo is granted by the Hon'ble Supreme Court in a controversy pending before it. If challenge succeeds, Parshioni Nagar Panchayat may not survive or may not come into existence and it may be only Parshioni Panchayat Samiti. The status quo granted by the Hon'ble Supreme Court therefore, cannot be interpreted either way by this Court and position directed to be preserved by the Hon'ble Supreme Court needs to be honoured.

8. As we find grievance made by the petitioners erroneous, keeping all rival contentions of parties open, we dispose of the present petition. No costs.

JUDGE**JUDGE**

Rgd.