

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION NO.1433 OF 2017
IN WRIT PETITION NO.2908 OF 2017

(Devidas s/o Sambhuji Kale vs. Divisional Commissioner and others)

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

Shri J.A. Malmas, Advocate for petitioner.

Shri K.R. Lule, Assistant Government Pleader for
respondent no.1.

CORAM : P.N. DESHMUKH, J.

DATED : JULY 21, 2017

Heard Shri Malmas, learned Counsel for
applicant/petitioner and Shri Lule, learned Assistant
Government Pleader for respondent no.1.

None for respondent nos.2 to 6 though said
respondents are served with notice in writ petition.

Shri Malmas, learned Counsel for petitioner,
has pointed out that this Court vide order dated
12/5/2017 on issuing notice had specifically directed
that no elections for the post of Sarpanch shall be held
until further order. It is submitted that subsequent to
aforesaid order, on 5/7/2017 present application was
filed bringing on record fact of respondent no.4 directing
petitioner to hand over charge of the post of Sarpanch to
Deputy Sarpanch. Said order is dated 27/6/2017, which
appears to have been received by petitioner on
29/6/2017 and copy of the said order is addressed to
petitioner and to Deputy Sarpanch of Gram Panchayat.

Considering the date of aforesaid order, it is noted that same is issued after passing of order dated 21/6/2017 by this Court by which parties were directed to maintain status quo in respect of situation as prevailed on 12/5/2017.

In the circumstances, application is allowed directing respondents to restore powers of post of Sarpanch to petitioner forthwith for discharging his duties as Sarpanch of concerned Gram Panchayat. Needless to say that respondent no.5 is restrained from discharging duties of Sarpanch of Gram Panchayat, Wadgaon Fattepur.

Stand over to 4/8/2017.

JUDGE

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