

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7409 OF 2018

MANDA RAMDAS DHUMAL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Mr. M.B. Sandanshiv.
AGP for Respondent Nos. 1 to 5 : Mr.B.A. Shinde.
Advocate for Respondent No. 6 : Mr. V.P. Patil.
Advocate for Respondent Nos. 7 to 9 : Mr. K.N. Shermale.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 28th September, 2018.

PER COURT :

1. The petitioners have preferred this petition with the grievance that their stay application in Village Panchayat Appeal No. 44/2018 is not being considered by the Additional Divisional Commissioner at Nashik.

2. This Court (Coram : S.P. Deshmukh, J.) had passed the order on 09/07/2018, observing in paragraph Nos. 3 to 5 as under:

“3. Learned advocate for the petitioner refers to the position that an appeal against order passed by the Collector disqualifying the petitioner is pending along with application for stay and while said appellate proceedings are pending, yet, the Tahsildar has issued a notice convening meeting for

election of sarpanch.

4. *In view of aforesaid, there shall be ad interim relief in terms of amended prayer clause "E".*

5. *In addition to court process, petitioner to serve the respondents privately by any legally admissible mode and to file an affidavit with tangible proof of actual service. In case of failure to serve the respondents privately and file service affidavit stating that the respondents are served or not, at least two days before the returnable date, the ad interim relief would cease to operate without further reference to the court."*

3. The learned advocates for the respective sides as well as the learned AGP submit that the notice convening the meeting for conducting the election to the post of Sarpanch and Upsarpanch has been stayed by this Court. The learned AGP submits that the pending Appeal can be decided by the competent authority. Learned advocate for the petitioners submits that the interim protection granted by this Court may be continued and the Additional Divisional Commissioner, Nashik, could be directed to decide the pending Appeal within a particular time frame.

4. I find that the petitioners are before this Court at a stage when their application for seeking interim protection was pending.

By the order of this Court dated 09th July, 2018, protection has already been granted. In this fact situation, the learned advocates for the rival sides jointly submit that the matter before the Additional Divisional Commissioner has already been finally heard and reserved for judgment on 14/09/2018.

5. In view of the above, this petition is disposed of by continuing the protection granted by this Court on 09/07/2018 and the said protection shall continue only till the date on which the Additional Divisional Commissioner, Nashik, decides Village Panchayat Appeal No. 44/2018. It, however, needs to be noted that the Authority shall deliver his order on the said Appeal as expeditiously as possible and in any case on/or before the 30/11/2018.

(RAVINDRA V. GHUGE, J.)