

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

915 WRIT PETITION NO. 9216 OF 2018

VIKAS PANDITRAO PATIL AND OTHERS ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

**WITH
WRIT PETITION NO.9321 OF 2018
WITH
WRIT PETITION NO.9322 OF 2018**

...

Mr. Dhananjay B. Thoke, Advocate for the Petitioner in WP/9216/2018.

Mr. Ajit B. Kale, Advocate for the Petitioner in WP/9321/2018 and WP/9322/2018.

Mr. A. V. Deshmukh, AGP for Respondent-State.

Mr. V. D. Salunke h/f Mr. Paresh B. Patil, Advocate for the Respondent No.7.

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**CORAM : S. V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.**

DATED : 09th AUGUST, 2018.

PER COURT:-

1. Mr. Kale and Mr. Thoke, learned counsel for the petitioners submit that the petitioners have already filed an appeal and the same is pending before the authority challenging their disqualification. This Court had directed to decide the stay petition within ten days. The hearing is concluded on 06.08.2018, but as yet no orders are passed. The same is being delayed only

on the ground that the petitioners should not get opportunity to assail the order, if the same is passed against them and before that the meeting of the Chairman be held. The meeting of the Chairman is scheduled on 13.08.2018. Out of eighteen Directors seven are disqualified. Without conducting the election of the Director, the election of the Chairman is being held. The learned counsel submits that all these proceedings are going on in political manner, so that the petitioner should not get proper opportunity and the election of Chairman be held behind their back.

2. We have heard the learned A.G.P. and Mr. Salunke, learned counsel for the respondents.

3. This Court under order dated 31.07.2018 in Writ Petition No.8701/2018 with other connected Writ Petitions filed by the petitioners had directed the Divisional Joint Registrar to decide the application of the petitioner within ten days. The Divisional Joint Registrar is bound by the directions of this Court and he is required to decide the application of the petitioner for stay within the said period. It is submitted that the arguments are also heard and concluded. The Authority shall consider the gravity of the matter and decide the application as directed by this Court under order dated 31.07.2018 in Writ Petition No.8701/2018 within the time stipulated therein.

4. Considering the fact that the election of Chairman is declared and scheduled, at this stage we may not pass any orders with regard to the said election. More particularly, when the matter is subjudiced before the Divisional Joint Registrar and directions are also given to him to pass appropriate orders on the application of the petitioners within ten days i.e. on or before the 10.08.2018.

5. It is made clear that we have not considered the merits of the contentions in the present writ petition, the same are open. Writ Petitions accordingly disposed of.

(SUNIL K. KOTWAL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE