

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.14350 OF 2018

Yogesh Ashok Thakare ... Petitioner
Vs.
State of Maharashtra through its Secretary,
Social Justice Department and others ... Respondents

Ms Vaishali J. Patil for Petitioner.
Mr. C. D. Mali, AGP for Respondents-State.
Mr. P. D. Dalvi i/b. Mr. B. S. Shinde for Respondent No.3.

CORAM : R. G. KETKAR, J.
DATE : DECEMBER 20, 2018

P.C. :

Not on Board. At the request of Mr. Patil, taken up in the production Board.

2. Heard Ms Patil, learned Counsel for the petitioner, Mr. Mali, learned AGP for the respondents-State and Mr. Dalvi, learned Counsel for the respondent No.3.

3. This Petition takes exception to the order dated 20.11.2018 passed by the Additional Commissioner, Konkan Division in Appeal/Desk/VP 871/2018. By that order, the Additional Commissioner granted stay to the order dated 01.11.2018 passed by the Additional Collector, Thane in Dispute Petition No.35 of 2018 filed by the petitioner under Section 10(1-A) of the Maharashtra Grampanchayats Act (for short 'Act'). By order dated 01.11.2018, Additional Collector allowed the Petition filed by the petitioner and disqualified the respondent No.3 from continuing as member of Grampanchayat Khoni-Vadavli, Taluka Kalyan, District Thane (for short 'Grampanchayat') retrospectively. Aggrieved by that decision, respondent No.3 preferred appeal before the Additional Commissioner.

By order dated 20.11.2018, Additional Commissioner stayed order of the Additional Collector and fixed the hearing of the appeal on 21.12.2018 at 11.00 a.m.

4. As the appeal itself is fixed for final hearing on 21.12.2018 i.e. tomorrow at 11.00 a.m., learned Counsel for the petitioner and respondent No.3 assure that they will not seek adjournment and proceed with the matter. In view thereof, the Additional Commissioner, Konkan Division will hear the matter on 21.12.2018 and pass a reasoned order in accordance with law. It is made clear that in case the Additional Commissioner does not decide the proceedings by tomorrow, liberty is reserved to the petitioner to file fresh Petition challenging the impugned order dated 20.11.2018 staying the order dated 01.11.2018. Petition is disposed of accordingly.

5. All parties, including the Additional Commissioner, to act upon the authenticated copy of this order.

(R. G. KETKAR, J.)

Minal Parab