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

WRIT PETITION NO. 1787 OF 2019

- 1) Vishwas S/o Ravindra Nagargoje,
Age 45 Years, Occu. Agriculture
District President Rashtravadi Congress Party
R/o Tembhurni, Dist. Shirur(K)
Tq.Dist. Beed
- 2) Rohidas S/o Shankarao Gadekar
Age 48 years, Occu. Agriculture
President Nagar, Panchayat,
Shirur (k) Dist. Beed
- 3) Shaikh Nasir S/o Shaikh Lal,
Age 48 years, Occ. Agriculture
Group Leader Rashtravadi Congress,
Nagar Panchayat, Shirur(K)
Dist. Beed

..PETITIONERS

VERSUS

- 1) The State of Maharashtra
Through Principal Secretary
Urban Development Department,
Mantralaya, Mumbai
- 2) The Division Commissioner
Aurangabad Division, Aurangabad
- 3) The Collector,
Beed, Dist. Beed
- 4) Meera W/o Dattatray Gadekar,
Age Major, Occu.: Councillor,
R/o Ward No. 3, Shirpur (K)
Tal. Shirpur (K), Dist. Beed

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- 5) Kusum W/o Dinkar Haridas
Age: Major, Occu: Councillor
R/o Ward No.17, Shirpur (K)
Tal. Shirpur, Dist. Beed
- 6) Shaikh Shama W/o Shaikh Anwar,
Age Major, Occu.: Councillor,
Shirpur (K), Tal. Shirpur (K)
Dist. Beed
- 7) Asha W/o Sunil Shinde
Age Major, Occu.: Councillor,
R/o Shirpur (K), Tal. Shirpur (K),
Dist. Beed

..RESPONDENTS

Mr Girish K Thigale (Naik), Advocate for petitioners;
Mr K. N. Lokhande, A.G.P. for respondent Nos. 1 to 3;
Mr S. R. Shirsat, Advocate for respondent No.5;
Mr N. V. Gaware, Advocate for respondent No.6

**CORAM : PRASANNA B. VARALE
AND
S. M. GAVHANE, JJ.**

DATE : 25th February, 2019

ORAL ORDER:

Heard Mr Girish K Thigale (Naik), learned Counsel for petitioners; Mr K. N. Lokhande, learned A.G.P. for respondent Nos. 1 to 3; Mr S. R. Shirsat, learned Counsel for respondent No. 5 and Mr N. V. Gaware, learned Counsel for respondent No.6.

2. As limited grievance is raised in the petition and on the backdrop of that limited grievance, namely, pendency of the

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proceedings before respondent no.3 Collector, we are of the opinion that the petition can be disposed of at the admission stage.

3. A the proceedings is initiated before the Collector and the same is entered in the inward register of the office of Collector, in view of an endorsement dated 5th January, 2019 of the Inward Clerk. Though the proceedings is not numbered, it seems that this was entered in the inward register. By way of that representation/application/proceedings, the petitioners are seeking disqualification of respondent nos.4 to 7 i.e. the non applicants before respondent no.3 Collector.

4. It is submitted by Mr Gaware, learned Counsel appearing on behalf of respondent no.6 that the proceedings initiated at the instance of the petitioners itself is not tenable.

5. Considering the fact that the proceedings is accepted by the office of the Collector on 5th January, 2019, without expressing any opinion on merits of the proceedings and leaving this aspect, namely, assessment of merits to the concerned authority i.e. the Collector, Beed, we are inclined to dispose of the petition at the admission stage. Accordingly, respondent no.3 Collector to take an appropriate decision on the proceedings submitted to him on 5th January, 2019

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as early as possible and not later than four weeks from the date of the order of this Court. Respondent no.3 Collector may undertake the exercise of deciding proceedings by giving opportunity of hearing to the parties, if parties make such a request before him. We further make it clear that if the authority is of the opinion that the proceedings itself cannot be entertained, he may pass a brief order to that effect.

With above observations and directions, petition is disposed of.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

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