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

WRIT PETITION NO.2773 OF 2019

Firozbee Imamkhan Pathan,
Age: 73 years, Occ: Household,
R/o. Newasa (Khurd), Newasa,
Taluka Newasa, Dist. Ahmednagar. ..PETITIONER

VERSUS

1. The State of Maharashtra,
Through the Ministry of
Urban Development Department
2. The District Collector,
Ahmednagar
3. The Chief Executive Officer,
Shrirampur Municipal Council,
Shrirampur, Dist. Ahmednagar ..RESPONDENTS

Mr Shaikh Mazhar A. Jahagirdar, Advocate for
petitioner;
Ms R.P. Gour, A.G.P. for respondent/State;

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

DATE : 1st MARCH, 2019

ORAL ORDER :

Heard Mr. Jadhavar, learned Counsel
appearing for the petitioner.

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2. A limited prayer is claimed in the petition on the backdrop of the grievance that though the petitioner approached the competent authority i.e. appellate authority by preferring appeal along with the application seeking stay, neither the appeal is taken up for admission nor orders are passed on the stay application.

3. The documents placed on record show that the petitioner was elected as Councillor for Newasa Municipal Council and the application/proceedings was submitted before the Collector seeking disqualification of the petitioner along with other respondents. The District Collector, Ahmednagar allowed the proceedings/application by order 23rd January, 2019.

4. Being aggrieved by the said order, the petitioner immediately preferred the appeal before Hon'ble Minister. The appeal was rejected on 4th February, 2019. Though there was prayer in the

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appeal for grant of stay, the petitioner submitted an independent application for grant of stay on 12th February, 2019.

5. Learned Counsel for the petitioner submitted that for considerable time, no orders were passed on the said application and if no orders are passed expeditiously on the stay application, the purpose of approaching appellate authority would be frustrated. As such, the petitioner is before this Court with a limited prayer seeking direction to the appellate authority to decide the appeal expeditiously and stay application within stipulated period.

6. Learned Counsel for the petitioner was justified in submitting that the delay in passing the order on stay application would adversely affect the petitioner and the petitioner would be subjected to a serious prejudice. As such, the petition is taken up for final disposal at admission stage. Notice is issued to the

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respondents, returnable forthwith. Learned A.G.P. waives service of notice for respondent Nos. 1 and 2.

7. Respondent No.1 to decide the application filed for grant of stay dated 12th February, 2019 as expeditiously as possible and not later than two weeks from the date of this order. Respondent No.1 may also take up the appeal for admission expeditiously. We make it clear that this Court has not expressed any opinion on the merits of the application or appeal. The exercise of assessment of merit is left with the appellate authority i.e. respondent No.1.

8. With these directions, the petition is disposed of.

(**S.M.GAVHANE**)
JUDGE

(**PRASANNA B. VARALE**)
JUDGE