

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

WRIT PETITION NO.4472 OF 2018

LALASAHEB PANDHARINATH ANDHALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the Petitioner : Shri Devakate Anant R.
AGP for Respondents 1 and 2 : Shri S.W.Munde.
Advocate for Respondents 4 to 8 : Shri S.S.Jadhavar.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 10th January, 2019

Per Court:

1 This matter was heard for quite sometime on 09.01.2018.

2 In the light of the view taken by this Court in *Pratibha Sanjay Hulle vs. Additional Collector, Latur, 2010 (5) Mh.L.J. 47* and *in Tukaram Krushnaji Parve vs. State of Maharashtra and others, 2015 (3) Mh.L.J. 652*, the learned Advocates for the respective sides sought liberty to take further instructions.

3 Today, the learned Advocate for Respondent Nos.4 to 8 submits that as the charges were not specifically stated in the notice issued to the Petitioner, the matter could be remanded to the District Collector since the Petitioner is now aware about the charges levelled upon him. The District Collector can decide the said proceedings afresh.

4 The learned AGP submits that he would not make any submission against the law settled by this Court.

5 In view of the above, this Writ Petition is partly allowed. The impugned order dated 26.04.2018 is quashed and set aside. The proceedings No.61/2017 filed by Respondent Nos.4 to 8 stand remitted to the office of the District Collector, Osmanabad.

6 All the litigating sides would appear before the District Collector on 31.01.2019 at 12:00 noon. Formal notices need not be issued.

7 Since the Petitioner is now aware of all charges levelled upon him, he shall proceed to enter his written say along with the written submissions and shall place reliance on all such material that he desires. This shall be done on the date of appearance.

8 Thereafter, the District Collector shall proceed to adjudicate upon the said proceedings in accordance with the procedure laid down in law. After conclusion of the hearing in the matter, the District Collector shall post the matter on 28.02.2019 for pronouncing his order at 11:00 am. Copies of his order shall be kept ready to be supplied to the litigating sides on 28.02.2019. All the litigating sides would appear before the said authority on the said date.

9 Considering that the Petitioner was disqualified by the impugned order, which is now set aside and since he contends that he is

still discharging his duties as Sarpanch of the Village Panchayat, Borgaon pursuant to the order dated 03.05.2018 delivered by this Court (Coram : V.L.Achliya, J.), he would continue to discharge his functions subject to the condition that he shall not be instrumental in taking any policy decision and shall not issue cheques towards payments in any project or similar works. In short, his financial powers shall be curtailed. The Gram Panchayat would merely make payments of its employees or statutory bills or contributions till 28.02.2019. The protection being granted to the Petitioner to officiate as Sarpanch would lose its efficacy on 28.02.2019 and his fate would then be subject to the result of the proceedings.

10 It is clarified that this order of quashing the impugned order would not affect the directions of the District Collector as regards clause (3) set out in the impugned order.