

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

910 CIVIL APPLICATION NO.5936 OF 2019
IN
WP/4923/2019

BAJIRAO SAHEBRAO MAGAR & ANR.
VERSUS
THE STATE OF MAHARASHTRA AND ORS.

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Mr. N.S.Jaju, Advocate for Applicants.

Mr. S.D.Ghayal, A.G.P. for State.

Mr. Y.V.Kakade, Advocate for petitioner in W.P.

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CORAM : V.L.ACHLIYA, J.

DATE : 03/05/2019

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ORAL ORDER :

1. The applicants have taken out this application to intervene the matter with further direction to direct the petitioner to make the applicants as party respondents to the petition.

2. Heard learned counsel for applicants and the petitioner in Writ Petition.

3. In brief, it is the contention of learned counsel for applicants that the action to disqualify the applicants to hold the office as Sarpanch was taken on the basis of complaint lodged and the enquiry conducted. In this back-ground learned counsel submits that the applicants are the necessary party to the proceeding and the presence of applicants will assist the Court in disposal of

the petition.

4. On the other hand, learned counsel for petitioner in Writ Petition submits that the applicants were not the party to the proceeding i.e. the Appeal filed before the Divisional Commissioner and, therefore, the applicants are not necessary party.

5. Considering the submissions advanced, I am of the view the applicants deserve to be allowed to intervene in the matter as the action to disqualify the applicants u/s 39 of the Maharashtra Village Panchayat Act was taken on the basis of complaint made by the petitioner. The presence of the applicants may assist the Court to decide the petition.

6. Accordingly, the application is allowed. The applicants are permitted to intervene in the matter.

7. The application is disposed of in above terms.

[V.L.ACHLIYA]
JUDGE

KNP.