

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

WRIT PETITION NO. 10109 OF 2019

**HARIDAS DAGDU NEVHAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for the Petitioner : Shri S. R. Pande
AGP for Respondent Nos. 1 to 6 : Shri N. T. Bhagat
Advocate for Respondent No.7 : Shri Y. V. Kakade
...

CORAM : RAVINDRA V. GHUGE, J.

DATED : 13th AUGUST, 2019.

...

PER COURT :

1. This matter was mentioned at 10.30 a.m. By consent, it was taken on the production board.

2. The petitioner is a disqualified Sarpanch pursuant to the order of the learned District Collector dated 09/07/2019, for the reason that he is held to have encroached upon government land.

3. Several arguable issues have been raised by the petitioner as well as respondent Nos. 7 and 8. The learned AGP submits that the appeal filed by the petitioner is pending

before the Additional Commissioner, Aurangabad. He has been granted *status quo* until further orders.

4. The learned Advocate for the petitioners strenuously submits that since he has been disqualified by the District Collector, *status quo* would mean that he continues to remain disqualified. He is still officiating as a Up-Sarpanch and vacancy is not yet declared by the competent authorities. He prays for relief in terms of prayer clause 'E'.

5. Having heard the learned Advocates for the respective sides, I do not find that the request of the petitioner can be entertained. He is a disqualified Up-Sarpanch and until the Additional Commissioner, Aurangabad decides his appeal, there cannot be an order of reinstatement when the Additional Commissioner has granted ad interim relief by the impugned order dated 02/08/2019 directing parties to maintain *status quo*.

6. In view of the above, this petition is disposed off. The petitioner is protected as against the possibility of a fresh

election in his place. The Additional Divisional Commissioner, Aurangabad shall endeavour to decide the proceedings as expeditiously as possible and preferably within a period of eight months.

(RAVINDRA V. GHUGE, J.)

shp/-