

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

**65 WRIT PETITION NO.12273 OF 2017
WITH
CA/14634/2018 IN WP/12273/2017**

**AJINATH SAVALERAM KHEDKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Shri Arvind G. Ambetkar
AGP for Respondents - State : Shri K.S.Patil
Advocate for Respondent No.6 : Shri Pradeep V. Ambade
...

**CORAM : P.R.BORA, J.
DATE: 18th March, 2019**

PER COURT:-

1 The petitioner has challenged the order passed by the Additional Commissioner, Nashik on 04.09.2017. The petitioner had raised a dispute before the Collector seeking disqualification of present respondent No.6 under the provisions of Section 14(g) and 16 of the Maharashtra Village Panchayats Act. After having considered evidence on record, the application filed by the petitioner was rejected. The petitioner, therefore, filed the appeal before the Divisional Commissioner, Nashik. The Additional Commissioner vide the impugned order relegated the petitioner to the Collector and directed the Collector to decide the dispute raised by the petitioner afresh by giving him appropriate opportunity. The said order is challenged by the

petitioner in the present petition.

2 Shri A.G.Ambetkar, learned Counsel for the petitioner has sought to contend that at the first instance, the Collector was wrong in rejecting the dispute so raised by the petitioner even though ample evidence was produced on record by the petitioner and secondly, the Divisional Commissioner has committed error in remitting the matter to the Collector for deciding it afresh instead of considering the material on record on merits.

3 After having considered the submissions and after having gone through the impugned orders, it appears to me that nothing wrong has been done by the learned Additional Commissioner in remitting the matter to the Collector for deciding it afresh. In fact, such an order was passed in the year 2017. Had the petitioner appeared before the Collector and has shown his readiness to participate in the said proceeding, perhaps his said dispute could have been resolved in the year 2017 itself, instead, the petitioner chose to file the present petition, which is pending since one and half year without any order. The elections were held in 2015. A period of four years has already lapsed after the election. In the circumstances, it appears to me that proper course for the petitioner would be to appear before the Collector

and participate in the said proceeding.

4 The learned Counsel for the petitioner is not in a position to make submission whether the dispute is still pending or any final order has been passed by the Collector. In the circumstances, the present petition can be disposed of with the following order, which would meet the ends of justice

ORDER

I) If the Collector, Ahmednagar has not decided the dispute finally, he shall decide the said dispute as expeditiously as possible and preferably within four months from the date of receipt of this order.

II) Pending civil application stands disposed of.

(P.R.BORA)
JUDGE

SPT