

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**65 WRIT PETITION NO.12277 OF 2017
WITH CA/14848/2017 IN WP/12277/2017
WITH CA/14636/2018 IN WP/12277/2017**

AJINATH SAVALERAM KHEDKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
**WITH
WP/12291/2017
WITH CA/14469/2017 IN WP/12291/2017**

...
Advocate for Petitioners : 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 Heard Shri A.G.Ambetkar, learned Counsel for the petitioner.

2 The material on record reveals that the present petitioner had raised a dispute against respective respondent No.6 in both these petitions, seeking their disqualification before the Collector, Ahmednagar. The dispute so raised by the petitioner was accepted by the Collector and accordingly the concerned members of Gram Panchayat, Chinchpur Ijade, Tq.Pathardi, Dist.Ahmednagar, were disqualified. The said members

challenged the orders passed by the Collector, Ahmednagar, before the Divisional Commissioner, Nashik. The learned Additional Commissioner, Nashik, vide the impugned orders relegated the parties to the Collector, Ahmednagar, and directed the Collector to decide the dispute raised by the petitioner afresh by giving due opportunities to the parties concerned. The said orders are challenged in the present petitions. The petitions, though have been filed in the year 2017, there is no interim relief.

3 I have gone through the orders passed by the learned Additional Commissioner, Nashik as well as the orders passed by the Collector, Ahmednagar. Though, it is sought to be contended by the learned Counsel appearing for the petitioner that the Additional Commissioner has grossly erred in remitting the matters for deciding it afresh to the Collector, Ahmednagar, I find it difficult to agree with the contention of the petitioner. There are certain issues, which are not considered and that seems the reason for remand of the matters to the Collector.

4 In fact, had the petitioner not filed the present petitions and had participated in the proceedings before the Collector, perhaps the said proceedings could be finally disposed of by the

Collector in the year 2017 itself. Instead, the petitioner has chosen the course of approaching this Court and the present petitions are pending since last about one and half years. It appears to me that it would be in the interest of the petitioner also to substantiate his allegations against the concerned respondents before the Collector, Ahmednagar.

5 The learned Counsel for the petitioner is not in a position to state whether the proceedings before the Collector, initiated by the petitioner, are still pending or decided finally. Presuming that the proceedings are still pending, it is ordered that the Collector, Ahmednagar, shall hear and dispose of the said disputes as expeditiously as possible and preferably within four months from the date of receipt of this order.

6 With the aforesaid order, both the petitions are disposed of. Pending Civil Applications stand disposed of.

(P.R.BORA)
JUDGE

SPT