

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

WRIT PETITION NO.12145 OF 2019

SHESHERAO NAGNATHRAO PATIL
VERSUS
THE ADDITIONAL DIVISIONAL COMMISSIONER AND OTHERS

...
Shri U.B.Deshmukh, Advocate for the petitioner.
Shri S.W.Munde, AGP for respondent nos.1 to 3.
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 03rd October, 2019

Per Court:

1 This matter was not on the board. An extreme urgency was voiced at 02:30 pm and hence, taken on the production board.

2 The petitioner is the original complainant, who has sought the disqualification of respondent no.4 as the Sarpanch of the Village Panchayat, Tadkhel, Taluka Deglur, District Nanded. The District Collector, Nanded, vide order dated 16.09.2019, has held that the Sarpanch has incurred disqualification. By the impugned interlocutory order dated 26.09.2019, respondent no.1/ Additional Divisional Commissioner, Aurangabad Division, Aurangabad has stayed the judgment and directed the Block Development Officer to carryout a particular enquiry.

3 I find that the interlocutory order in this matter is aimed at safeguarding the interest of the parties and avoid further complications. If the stay/ protection was not granted, there would have been an election of the Sarpanch. Such interlocutory orders may not necessary appear to be perverse or erroneous unless it is specifically so established.

4 In view of the above, this Writ Petition is disposed off.

5 The parties would appear before respondent no.1/ Additional Divisional Commissioner on 16.10.2019. In the event, respondent no.1 is held up in the State Assembly election duty due to the date of polling being 21.10.2019 and the counting and results scheduled on 24.10.2019, the litigating sides would complete their oral/ written submissions on or before 05.11.2019. Thereafter, respondent no.1 would close the proceedings and shall deliver an order on 29.11.2019 at 03:00 pm. The litigating sides are obliged to remain present on the date of pronouncement of the order and copies of which shall be kept ready for being supplied to the parties by respondent no.1.