

Tandle

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
**WRIT PETITION NO. 4346 of 2019**

|                                                            |                 |
|------------------------------------------------------------|-----------------|
| Sou Rupali Bhausahab Phadtare                              | ... Petitioner  |
| Vs.                                                        |                 |
| The Additional Commissioner,<br>Pune Division, Pune & Ors. | ... Respondents |

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Mr. Prashant S. Hagare, Advocate for Petitioner.  
Mr. S. D. Rayarikar, AGP for Respondents/State.

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**CORAM : S. S. SHINDE, J.**  
**DATE : 5<sup>TH</sup> APRIL, 2019**

**P. C. :**

1. Heard learned counsel appearing for the petitioner. He invites attention of this Court to the observations made in the impugned order and submits that without looking to the documents which were placed on record before the Collector, the Appellate Authority has passed the cryptic order thereby almost concluding the issue raised before the Appellate Authority.

2. It is submitted that till the appeal of the petitioner is decided by the Appellate Authority, the protection may be extended to the petitioner since she is till date holding the post of Sarpanch.

3. On the other hand, learned AGP appearing for the State invites attention of this Court to an observations made by the Collector and also the Appellate Authority in the impugned orders and submits that, since impugned orders have been passed keeping in view the documents placed on record, no prima facie case is made out by the petitioner to grant stay.

4. Heard learned counsel appearing for the petitioner and learned AGP appearing for the State. On perusal of the order passed by the Collector and also the Appellate Authority, it appears that after perusal of the documents on record, prima facie conclusions are recorded and the prayer of the petitioner for interim relief has been rejected. In that view of the matter and since both the forums have made prima facie observations on the basis of the documents which were placed on record before the said Authorities, no case is made out for interference in the impugned orders. The Petition accordingly stands rejected.

5. It is made clear that an observations made by the Collector or the Appellate Authority in the impugned order are prima

facie in nature and confined to the prayer of the petitioner for interim relief and said observations shall not be relied upon during the course of hearing of the matter.

6. Needless to observe that, the Appellate Authority shall decide the appeal as early as possible, however preferably on the next date of hearing or within 15 days thereafter.

7. The Appellate Authority shall proceed to decide the appeal on its own merits.

**(S. S. SHINDE, J.)**