

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9080 OF 2019

Vinod Krishna Magar

... Petitioner

Vs

Sukh Dev Namedev Pawar and
10 Ors.

... Respondents

...

Mr. Kartikeya Bahadur with Mr. Kaustubh Gidh for the
Petitioner.

Mr. Dushyant Pagare for the Respondent Nos.1 to 7.

Mr. Atul Vanarase, AGP for Respondent No.11.

**CORAM : B.P.DHARMADHIKARI &
SANDEEP K. SHINDE JJ.**
DATE : AUGUST 20, 2019

P.C. :

Heard learned counsel for the petitioner and the learned
counsel for the respondent nos.1 to 7. The learned AGP appears for
the respondent no.11.

2 ‘No Confidence Motion’ passed against this petitioner
removing him from the post of ‘Sarpanch’ is already questioned in an
appeal under Section 35(3) (b) of the Bombay Village Panchayats

Act, 1958 before the respondent no.11.

3 Submissions: Respondent No.11 has fixed the matter for hearing on 26th August, 2019 and in the meanwhile, there is every possibility of election being held to fill in vacancy illegally created.

4 Statutory remedy of appeal is already being exhausted. If an election as apprehended is conducted, same shall be obviously subject to further orders in the appeal.

5 Not only this but the Respondent No.11 has also to see that the appeal preferred is decided expeditiously so that illegality , if any, therein is taken care of and democratic discipline prevails.

6 Hence, with direction to respondent no.11 to decide the appeal fixed on 26th August, 2019 at the earliest, we dispose of the petition.

(SANDEEP K. SHINDE, J.)

(B.P.DHARMADHIKARI, J.)