

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 2121/2019.

Sau. Ranjana Madhukar Sinkar

-VERSUS-

State of Maharashtra and another.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri R.D. Karode, Advocate for the Petitioner.
Ms. N.P. Mehta, A.G.P. for Respondent Nos.1 and 2.
Shri M.V. Samarth, Advocate for Respondent No.3.

CORAM : R.K. DESHPANDE &
VINAY JOSHI, JJ.

DATE : JUNE 26, 2019.

Heard.

2. The only substantive relief is contained in prayer clause (i) of the Writ Petition, which is reproduced below :

“issue writ of mandamus or any other appropriate writ or directions in the line nature, hold and declare that in absence of savings clause Article 213 of the Constitution of India does not attach any degree of permanence to actions or

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transactions pending or concluded during the currency of an Ordinance No.II of 2019 dated 14.02.2019 (Annexure-E) till the actual amendment in statute is effected.”

3. The petition is filed on 04.03.2019. The Statute was amended on 26.02.2019 i.e. prior to filing of the petition and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018 was brought into force on 14.02.2019. Because respondent no.3 was disqualified from the post and petitioner was holding the said post, which was earlier held by respondent no.3. The claim is that the petitioner be continued on the post of Sarpanch.

4. We are informed that the order of disqualification of respondent no.3 has been set aside by order dated 23.04.2019 in Writ Petition No. 8719/2018, the said decision is not the subject matter of challenge in this petition. In absence of it and also in absence of prayer that the petitioner may be continued as Sarpanch, we do not find any reason to entertain this Petition. The same is dismissed. No costs.

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5. After dismissal of the Writ Petition, the learned Counsel for the petitioner has prayed for an opportunity for amendment of the Writ Petition. The same is rejected.

JUDGE

JUDGE

Rgd.