

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 2146/2019

(DHARMARAJ SHRAWAN AAHAKE **VERSUS** ADDITIONAL COMMISSIONER, NAGPUR DIVISION,
 NAGPUR & OTHERS)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri M.I. Dhatriak, counsel for petitioner.
 Mrs. S.S. Jachak, A.G.P. for R-1 to 3.
 Shri A.S. Kilor, counsel for R-6.

CORAM : A.S. CHANDURKAR, J.

DATE : MARCH 18, 2019.

The order vacating the direction to maintain status quo dated 06.03.2019 is in challenge in the present writ petition.

By order dated 20.02.2019, the petitioner who was holding the post of Member, Gram Panchayat came to be disqualified under provisions of Section 14(1)(j-3). Being aggrieved, an appeal was filed before the Additional Commissioner. The Additional Commissioner while considering the application for grant of stay was pleased to observe that there was absence of *prima-facie* case and hence he rejected that application. Being aggrieved, the present writ petition has been filed.

After hearing the respective counsel, it is seen that there is a dispute with regard to the position as prevailing today. While according to the petitioner, he continues to hold the post of Member, Gram Panchayat, said fact is seriously disputed by the learned Assistant Government Pleader appearing for the respondent nos.1 to 3 and by the learned counsel appearing for the respondent no.6.

It is seen that the appeal in question is pending before the Additional Commissioner. Instead of adjudicating upon the dispute as to whether the petitioner continues to be the Member, Gram Panchayat or not, the interests of justice would be met by directing expeditious adjudication of the said appeal.

Accordingly, this writ petition is disposed of by directing the Additional Commissioner to decide the appeal filed by the petitioner by 15.04.2019. That adjudication shall be made on its own merits without being influenced by the order dated 06.03.2019. All respective contentions are kept open. Till the said appeal is decided, no steps be taken for filling the post of Member, Gram Panchayat that was held by the petitioner.

The Writ Petition is disposed of in aforesaid terms. No costs.

JUDGE

APTE