

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

WRIT PETITION NO. 2205/2019
 (CHHAYATAI MULCHAND SONEKAR **VERSUS** THE HON'BLE STATE MINISTER, RURAL
 DEVELOPMENT, M.S. MUMBAI & OTHERS)

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

Court's or Judge's orders

 Shri V.G. Dhage, counsel for petitioner.
 Shri S.M. Ghodeswar, A.G.P. for R-1 & 2.
 Shri D.C. Chahande, counsel for R-5.

CORAM : A.S. CHANDURKAR, J.

DATE : MARCH 25, 2019.

RULE. Heard finally with consent of learned counsel for the parties.

The petitioner has been removed from the post of Sarpanch under Section 39(1) of the Maharashtra Village Panchayats Act, 1958. The said order is dated 13.02.2019. Against that order, an appeal has been preferred before the State Government and it is pending before the Hon'ble Minister for Rural Development. Alongwith the said appeal, an application for stay has also been filed.

According to the petitioner, the stay application is not yet taken up for consideration. Hence, the petitioner has sought to challenge the order passed by the Divisional Commissioner in the present writ petition.

Considering the fact that a statutory appeal has been preferred by the petitioner and which is pending before the respondent no.1, the interests of justice would be met by passing the following order:-

I. The petitioner, the respondent no.4 to 6 shall remain

present before the respondent no.1-Appellate Authority on 01.04.2019.

- II. The respondent no.1 shall take up the application for grant of stay and pass orders thereon expeditiously. It is expected that within a period of ten days from the first appearance of the parties, the stay application would be adjudicated upon. Till the said application is decided, no steps shall be taken to fill in the vacancy created by the removal of the petitioner. Needless to mention that the stay application be decided on its own merits and in accordance with law.

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

Authenticated copy of this order is granted to the learned Assistant Government Pleader.

JUDGE

APTE