

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

WRIT PETITION NO.6555 OF 2019

Shamsundar s/o Somaji Purkam

-vs-

The State of Maharashtra Thr. Its Chief Secretary, Ministry of Village Development & Water
Resources, Mantralaya, Mumbai and ors.

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

Court's or Judge's Orders.

Shri B. W. Patil, Advocate for petitioner.
Shri S. B. Bissa, Assistant Government Pleader for
respondent Nos.1 and 2.
Shri A. Band, Advocate for respondent No.3.

CORAM : A. S. CHANDURKAR, J.

DATE : November 04, 2019

Heard finally considering the short issue involved.

In proceedings initiated by the petitioner under Section 39(1) of the Maharashtra Village Panchayat Act, 1958 (for short, the said Act) the Additional Commissioner on 03/09/2019 removed the respondent No.3 from the post of Sarpanch. Being aggrieved, the respondent No.3 filed an appeal under Section 39(3) of the said Act before the State Government. The petitioner filed a caveat in those proceedings. However, on 11/09/2019 the Honourable Minister of State, Rural Development without hearing the petitioner passed an order of interim stay. Being aggrieved the said order has been challenged in the present writ petition.

2. After hearing the learned counsel for the parties it is seen that as the petitioner had filed a caveat he was required to be heard before any interim order was passed in the appeal. Be that as it may, the interests of justice would be served by directing expeditious disposal of the said appeal by the State Government.

3. Accordingly the following order is passed :

(i) The respondent No.1 shall decide the appeal filed by the respondent No.3 within period of two months from today on its own merits without being influenced by the order dated 11/09/2019. All points on merits are kept open.

(ii) Needless to state that it is open for the petitioner to apply for being impleaded in the said appeal.

(iii) The Writ Petition is partly allowed in aforesaid terms and disposed of. No order as to costs.

JUDGE