

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

WRIT PETITION NO. 8341/2019

(DHANRAJ DADARAO TAMBOKAR **VERSUS** DIVISIONAL COMMISSIONER, AMRAVATI DIVISION &
 OTHERS)
 WITH

WRIT PETITION NO. 8342/2019

(BHAGYASHREE SANDIP CHAUDHARI **VERSUS** DIVISIONAL COMMISSIONER, AMRAVATI
 DIVISION & OTHERS)

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

Court's or Judge's orders

Shri N.A. Gawande, counsel for petitioner.
 Mrs. H.N. Prabhu, A.G.P for R-1 & 2.

CORAM : A.S. CHANDURKAR, J.

DATE : DECEMBER 18, 2019.

In these writ petitions, an order of disqualification passed on 26.07.2019 by the Collector on the ground that the petitioner was not able to produce the validity certificate thereby incurring disqualification under Section 10-1A of the Maharashtra Village Panchayats Act, 1959 which order has been confirmed by the Additional Commissioner, is under challenge.

Shri N.A. Gawande, learned counsel for the petitioners submits that the petitioners were not heard before they were held disqualified under Section 10-1A of the said Act. On that count, it is submitted that the impugned orders are liable to be set aside.

On the other hand, Mrs. H.N. Prabhu, learned Assistant Government Pleader for the respondent nos.1 and 2 submits that as of today, the petitioners have not been issued any validity certificate. The order passed by the Scrutiny Committee by majority of 2:1 has held against the petitioners. That order has been challenged by filing a separate writ petition. Hence, no interference is called for.

In the light of the fact that at present the petitioners do not have any validity certificate disentitles them to continue as the Members of the Gram Panchayat. Absence of grant of hearing by itself would not be sufficient to set aside the impugned order in view of the fact that the petitioners do not hold any validity certificate. However, in the light of the fact that the orders passed by the Scrutiny Committee are subjected to challenge, it is observed that the vacancies pursuant to the disqualification of the petitioners would be subject to the outcome of those writ petitions. If fresh steps are taken to fill in the said vacancies the candidates intending to contest in those elections be put to notice that the elections would be subject to the outcome of Writ Petition Nos.906 of 2019 and 230 of 2019.

With these observations, the writ petitions are disposed of. No costs.

JUDGE

APTE