

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**WRIT PETITION NO. 3205 OF 2020
WITH
CIVIL APPLICATION STAMP NO. 7428 OF 2020**

**PADMABAI ANNA MAGARE AND ANOTHER
VERSUS
NAGNATH VISHNU SASANE AND OTHERS**

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Advocate for the Petitioners : Shri Manoj D. Shinde h/f.
Shri A. A. Khande
AGP for Respondent No. 2 : Shri A. S. Shinde
Advocate for Caveator : Shri D. A. Madke

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 25th FEBRUARY, 2020

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PER COURT:

1. The Petitioners are aggrieved by the order dated 16/01/2020 passed by the Additional Divisional Commissioner, by which, he has declined to grant a stay to the order of the District Collector dated 29/11/2019, by which, the District Collector disqualified Petitioner No.1 as the Sarpanch and Petitioner No. 2 as the Member of village Grampanchayat, Chanakwadi, Taluka Paithan.

2. I have considered the strenuous submissions of the learned Advocate for the Petitioners, the learned AGP on behalf

of Respondent No.2 and the Advocate appearing on behalf of caveator, Babru Bhimrao Kadam, who is not arrayed as a Respondent.

3. The order of the District Collector indicates that the Petitioner had awarded certain contracts to her son and had made payments from the Grampanchayat Account towards the consideration for the work done. Similarly, payments were made to the two sons of Petitioner No.2. A complaint was lodged by Respondent No.1 Nagnath along with the intervener Babru and 44 other residents of the village. It is now stated that Nagnath has withdrawn from the said complaint. Babru has, therefore, filed a caveat before this Court stating that he is one of the complainants and the rest of the plaintiffs are not withdrawing the complaint. He has also filed a Civil Application for intervention, considering the conduct of Nagnath.

4. Considering the above, the Civil Application Stamp No.7428/2020 filed by Babru is allowed and he is arrayed as Respondent No.4.

5. The learned Advocate for the Petitioners submits that the copy of the complaint filed against them and the report of the C.E.O., Zilla Parishad, Aurangabad was not supplied to them. The learned AGP submits that the hearing in the matter is posted tomorrow on 26/02/2020 and copy of the complaint, as well as, the report would be supplied to the Petitioners.

6. In view of the above, this petition is disposed off with the following directions :-

(a) The Petitioners and the added Respondent No. 4 shall appear before the Additional Divisional Commissioner, Aurangabad at 3.00 p.m.

(b) The Petitioners shall collect copies of the complaint and the report of the C.E.O.

(c) The Additional Divisional Commissioner shall then post the matter on 28/02/2020 at 3.00 p.m. to enable all the parties to advance their oral submissions and thereafter, he shall deliver an order on 06/03/2020 at 3.00 p.m.

(d) The Additional Divisional Commissioner shall decide the said proceedings after considering all the contentions of the litigating parties.

(RAVINDRA V. GHUGE, J.)

shp/-