

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3487 OF 2020

GOVIND TULSHIRAM KOMBDE
VERSUS
THE COLLECTOR AND OTHERS

Mr.A.A.Khande, Advocate for the petitioner.
Mr.N.T.Bhagat, AGP for respondent No.1.
Mr.D.S.Kudale, Advocate for respondent No.2.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 05/03/2020

PER COURT :

1. After this matter was heard for some time and the affidavit in reply filed by respondent No.2 was scrutinized pursuant to the strenuous submissions of Mr.Kudale, the learned Advocate, I sounded the litigating parties that I would be directing the appellant / Sarpanch before the Additional Divisional Commissioner, Aurangabad, to hand over the charge to the Up-Sarpanch until his Appeal No.22/2020 is decided. I also made it clear that there would be a possibility of certain observations being made while passing the order.

2. The learned Advocate for respondent No.2/original appellant,

sought a pass over to take instructions and has then submitted on instructions that the appellant does not desire to invite any observations since his appeal is pending. He would hand over the charge to the Up-Sarpanch forthwith, if the charge is not taken by him from the Up-Sarpanch after he was disqualified by the order of the District Collector dated 03/02/2020.

3. In view of the above, this petition is disposed off by recording the said statement of the original appellant. The Up-Sarpanch shall continue to officiate as a Sarpanch.

4. The Additional Divisional Commissioner shall decide Appeal No.22/2020 by considering the contentions of all the litigating sides, on their merits, as expeditiously as possible and preferably on 30/04/2020. Since the next date of hearing in the matter is posted on 08/04/2020, the parties shall ensure that their oral / written submissions are tendered by the end of 09/04/2020 and the Additional Divisional Commissioner shall deliver his order on 30/04/2020 at 3.00 p.m. and shall keep the copies of his order ready to be supplied to the litigating parties on payment of requisite fees.

5. By the above directions, the impugned order stands modified.

(Ravindra V.Ghuge, J.)