

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6346 OF 2020
(Meera Dattatraya Gadekar and others Vs. The State of Maharashtra and others)

Mr. N.V. Gaware, Advocate holding for Mr. Z.H. Farooqui, Advocate
for the petitioners

Mr. A.R. Kale, A.G.P. for the respondent/State

Mr. Gokul M. Shingare, Advocate for respondent No.4

Smt. Susmita V. Dound, Advocate for respondent No.5

Mr. P.C. Mayure, Advocate for respondent No.6

Mr. G.K. Thigle-Naik, Advocate for respondent No.7

CORAM : MANGESH S. PATIL, J.

DATE : 26.10.2020

PER COURT :

Heard both the sides.

2. The petitioners, who are duly elected councillors of respondent No. 4 – Nagar Panchayat, have been disqualified, by invoking the provisions of the Maharashtra Local Authority Members Disqualification Act, 1986. The petitioners' appeal under Section 7(3) of the Act is pending before the Minister. By the order dated 03.07.2019, the learned Minister had granted ad-interim relief, staying the operation of the order impugned before him. On an application of the respondent dated 28.08.2020, by the impugned one line order, purportedly passed by the learned Minister, it has been directed that the stay is vacated and listing

the appeal for hearing. This procedure being adopted by the learned Minister is under challenge before this Court in the present Writ Petition.

3. The learned A.G.P, on instructions, makes a statement that the learned Minister would decide the appeal within couple of weeks finally.

4. It would be a matter of time for the Minister to decide the matter finally. In the circumstances, I do not intend to indulge in deciding the Writ Petition on merits. By taking the statement of the learned A.G.P on record, I dispose of the Writ Petition with the hope that the learned Minister finally decides the appeal within two weeks.

5. Mr. N.V. Gaware, learned Advocate for the petitioner, at this juncture, makes a request that the operation of the impugned direction vacating the interim relief be stayed. Since I have already disclosed that I am not inclined to consider the Writ Petition on merits and expect the learned Minister to decide the appeal finally, the request is rejected.

[MANGESH S. PATIL]
JUDGE