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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 1808 OF 2020

Manohar Bhikaji Ghode ... Petitioner
Vs.
State of Maharashtra & Anr. ... Respondents

Mr. Harshad M. Inamdar, for the Petitioner.
Ms. M. S. Bane, AGP for Respondent No. 1.
Mr. Sachin Gite, for Respondent No. 2.

CORAM : C. V. BHADANG, J.

DATE : FEBRUARY 27, 2020

PC :

1. This petition can be disposed on a short count. The Petitioner has been disqualified on the ground that the Petitioner is having three children, which aspect is challenged by the Petitioner. Indisputably, an appeal, filed by the Petitioner challenging the order of disqualification, is pending before the Divisional Commissioner, Nashik, in Village Panchayat Appeal No. 11 of 2020. The learned counsel for the Petitioner states there is an application for stay, which is filed before the appellate authority. The contention is that the said stay application has not been decided. The learned counsel for the second respondent, who is the original complainant, states that he has filed a caveat before the appellate authority and the appeal can be

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disposed of expeditiously alongwith the application for stay, if any.

2. Considering the over all circumstances, the petition is disposed of directing the Divisional Commissioner, Nashik to decide Village Panchayat Appeal No. 11 of 2020 on its own merits and in accordance with law, as expeditiously as possible and preferably within six weeks from the receipt hereof. It will be open to the appellate authority to consider the application for stay independently, if so pressed. The petition is accordingly disposed of in the aforesaid terms, with no order as to costs.

Sd/-
C. V. BHADANG, J.