

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

WRIT PETITION NO.14560 OF 2021

**SATYABHAMA SHRIHARI BHOSLE AND OTHERS
VERSUS
THE UPPER DIVISIONAL COMMISSIONER AND OTHERS**

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Advocate for Petitioners : Bachate Pralhad D.
AGP for Respondent Nos.1 & 2-State: Mr. P. G. Borade

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 22nd December, 2021

PER COURT :

. The petitioners are disqualified as a Sarpanch and Members of Village Panchayat Muli, Taluka Gangakhed, District Parbhani by the order dated 24-11-2021 passed by the Collector, Parbhani. The said order is impugned in the appeal before the Divisional Commissioner, Aurangabad. Stay application filed along with appeal is rejected by the Divisional Commissioner, Aurangabad. The order of rejection of stay application is impugned in the present petition.

2. Heard the rival submissions of the learned advocate for the petitioners and learned Assistant Government Pleader for the respondent Nos.1 & 2-State.

3. A statutory appeal filed by the petitioners is pending for consideration before the Divisional Commissioner, Aurangabad. The Divisional Commissioner, Aurangabad ought to have granted stay to the order passed by the Collector, Parbhani and ought to have heard the matter on merits. In case the stay is not granted, the appeal filed by the petitioners may become infructuous.

4. In that view of the matter, the impugned order cannot sustain and the same is hereby quashed and set aside. Stay application filed by the petitioners before the Divisional Commissioner, Aurangabad is hereby allowed. The parties are directed to appear before the Divisional Commissioner, Aurangabad on 07-01-2022 and the Divisional Commissioner shall decide the appeal by the end of January-2022.

5. With these directions, Writ Petition is disposed of.

(NITIN B. SURYAWANSHI, J.)