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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2230 OF 2021

Vilas Chandrakant Dukare Petitioner
Vs.
The Additional Commissioner and ors. Respondents

WITH

WRIT PETITION STAMP NO. 12410 OF 2021

Shri Shivaji Babu Kharik Petitioner
Vs.
Vilas Chandrakant Dukare and ors. Respondents

Mr.Milind Deshmukh i/b Prasanna K. Shahane, for the Petitioner
in WP/2230/2021 & for Respondent No.1 in WPST/12410/2021.
Mr.Pradeep D.Dalvi, for Petitioner in WPST/12410/2021 & for
Respondent No.5 in WP/2230/2021.
Smt.M.S.Bane, AGP for the Respondent – State.

CORAM : M. S.KARNIK, J.

DATE : 06th AUGUST, 2021

P.C. :

. Heard Shri Deshmukh learned Counsel appearing on
behalf of the Petitioner in Writ Petition No. 2230 of 2021 who is
the original complainant at whose instance the dispute regarding
disqualification was entertained by the Collector under Section

This order is corrected as per speaking to minutes of order dt. 13/09/2021. 1/3

14(j-1) of the Maharashtra Village Panchayats Act, 1959 (for short 'the said Act'). The Collector held Respondent No.5 to be disqualified.

2. Respondent No.5 - Sarpanch therefore filed an Appeal before Additional Commissioner under Section 16 of the said Act. The Additional Commissioner by the impugned order remanded the matter back to the Collector by setting aside the order, holding that an opportunity of cross examination be given to Respondent No.5 in compliance of the principles of natural justice as proceedings before the Collector is in the nature of quasi-judicial proceedings.

3. Even Shri Dalvi, learned Counsel appearing on behalf of Sarpanch has filed a cross Petition being Writ Petition Stamp No. 12410 of 2021 contending that he is aggrieved by the order passed by Additional Commissioner. He submits that it is for the complainant to prove the case against the Sarpanch as the complainant wants the Sarpanch to be disqualified under Section 14(j-1) of the said Act. Learned Counsel for the Petitioners in both the Petitions are aggrieved by the order passed by the Additional Commissioner and submit that none of the parties wish to cross examine the witnesses as there was no

examination-in-chief. The Petitioners by consent submit that the impugned order may be set aside. Accordingly, the impugned order passed by the Additional Commissioner dated 23/03/2021 is set aside. The matter is remitted back to the Additional Commissioner. The Additional Commissioner to decide the Appeal on its own merits and in accordance with law. The Additional Commissioner is requested to expedite the hearing of the Appeal and decide the Appeal expeditiously and in any case, within a period of three months from 24/08/2021. Parties to appear before Additional Commissioner on 24/08/2021 at 11.00 a.m. along with copy of this order. Both the Petitions are disposed of.

(M.S.KARNIK, J.)