

DSS

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8297 OF 2021**

Digitally
signed by
DINESH
SADANAND
SHERLA
Date:
2021.11.30
18:54:33
+0500

Chandrakant S. Yadav

...Petitioner

V/s.

Divisional Commissioner,
Pune Division and ors.

...Respondents

AND

WRIT PETITION NO. 8300 OF 2021

Mangesh B. Nevse

...Petitioner

V/s.

Divisional Commissioner,
Pune Division and ors.

...Respondents

Mr. M. V. Kawchale and Mr. Omkar Pujari for the Petitioners in both petitions.

Mr. C.D. Mali, AGP for the Respondent – State in WP 8297 of 2021
Ms Vaishali S. Nimbalkar, AGP for the Respondent – State in WP 8300 of 2021.

CORAM : G. S. KULKARNI, J.

DATE : NOVEMBER 30, 2021.

PC :

1] Not on board. Taken on board on applications moved on behalf of the petitioners.

2] The case of the petitioners, in both these petitions, is that respondent No.4 as impleaded, in both these petitions, were disqualified under the provisions of Section 68 read with 64(4) of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.

3] The substantive applications praying to disqualify the respondents have been moved by the petitioners before the Divisional Commissioner, Pune Division. Such appeals were filed in June 2021 and are pending adjudication. Case of the petitioners is that hearing on such appeals is intentionally being delayed at the behest of such respondent so that these respondents can participate in the elections which could be held for the post of Sabapathi/Chairman of the Zilla Parishad.

4] The learned counsel for the petitioners, in both petitions, has fairly submitted that no interim applications have been filed in the said proceedings, which are pending before the Divisional Commissioner.

5] In the above circumstances, in my opinion, it would be appropriate that the petitioners pursue the pending appeals as also they are at liberty to file appropriate interim applications, if the petitioners intend to seek any urgent reliefs. Learned counsel for the petitioners submits that the interim applications would be filed before the Divisional Commissioner within two days from today. If such applications are filed within two days from today, the Divisional Commissioner shall consider the same within one

week from the date of filing of such applications and pass appropriate orders on such application. All the contentions of the parties on such proceedings are expressly kept open.

6] The Divisional Commissioner shall make an endeavour to adjudicate the appeals, which are pending for quite some time from June 2021 as expeditiously as possible and positively before 31.1.2022. All contentions of all the parties on the appeals and the preferred application are expressly kept open.

7] Both Writ Petitions are disposed of in the above terms. No costs.

(G. S. KULKARNI, J.)