

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

Writ Petition No. 8991 of 2021

Tukaram Bandu Rupnur & ors.	...	Petitioners
v/s.		
Shahaji Sambhajirao Patil & ors.	...	Respondents

**WITH
Writ Petition No. 8992 of 2021**

Dinkar Shankar Bhosale	...	Petitioner
v/s.		
Shahaji Sambhajirao Patil & ors.	...	Respondents

Mr. Ashok Tajane a/w. Mr.Y.G. Thorat for the petitioners.

Mr. A.P.Vanarase, AGP for the State.

Mr. S.D.Rayrikar, AGP for the State.

CORAM : G.S.KULKARNI, J

20th December 2021

P.C.

The challenge in these petitions is to an order dt. 07/12/2021 passed by the Divisional Commissioner, Pune who has refused to grant the interim application filed by the petitioners, praying for stay on the orders passed by the Collector, by which the petitioners were disqualified to be members of the Gram Panchayat, Tal. Miraj, Dist.

Sangli under the provisions of Section 14(1) (J-3). Mr. Tajane has fairly stated that the elections which were announced, to fill up the vacancy which has arisen on the petitioner being disqualified is to be held today. Possibly, it must have already been held.

2. In any event, the petitioner has now filed an appeal before the Additional Commissioner, Pune Division against an order passed by the Collector disqualifying the petitioner. The proceedings in the appeal are still pending. It is at the stage when the interim application for a stay was moved.

3. The statutory remedy as availed by the petitioners is required to be taken to its logical conclusion, however, in the meantime, the bye-elections have been announced. In the aforesaid circumstances, the elections certainly cannot be stayed, however, the election shall be subject to the orders which may be passed on the pending appeals as filed by the petitioners.

4. Petitions stand disposed of, however, subject to the above observations.

5. Let the pending appeals be decided on or before 31st January 2022.

6. It is informed that appeals are kept for hearing on 7th January 2022. All contentions of petitioners in the pending proceedings are kept open. The Appellate Authority shall decide the appeal without being influenced by the rejection of the interim application and/or disposal of this petition by this Court.

7. Disposed of. No costs.

(G.S.KULKARNI, J)

Lata Panjwani, P.S.