

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.455/2021

Prabhakar Natthuji Wankhade and Ors. vs. The Hon'ble Minister, State of
Maharashtra, Ministry of Rural Development, Mantralaya, Mumbai and
Others.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. Tejas Deshpande, Advocate for petitioners.
Mr. S.M.Ukey, A.G.P. for respondent nos. 1 and 2.
Mr. S.D.Chopade, Advocate for respondent nos.6 to 11.

CORAM : V.M. DESHPANDE, J.
DATED : JANUARY 25, 2021

Heard Mr. Deshpande, learned counsel for
petitioners.

Mr. Ukey, learned A.G.P. waives service for
respondent nos.1 and 2 and Mr. Chopade, learned counsel
appears for respondent nos. 6 to 11, who are the contesting
respondents. The reply given by learned counsel for
respondent nos. 6 to 11 is taken on record.

Respondent nos. 6 to 11 filed complaint under
Section 39 of the Maharashtra Village Panchayats Act seeking
disqualification of the petitioners. Petitioner no.1 is
Sarpancha, petitioner no.2 is Upsarpancha of Gat Gram
Panchayat Wadali Satwai. Whereas, petitioner no.3 is its
Secretary. The said application was contested before the
Divisional Commissioner, Amravati and the learned Divisional
Commissioner, Amravati on 01.01.2021 allowed the complaint
filed on behalf of respondent nos. 6 to 11 and found that the
petitioners are removed since they have earned
disqualification. During the course of hearing, it is brought to

my notice that the petitioners have already approached before appellate authority namely; State Government under Section 39 (3) of the Maharashtra Village Panchayats Act and also filed an application for stay.

Learned counsel for the petitioners submits that petitioners on 11.01.2021 moved an application before the respondent no.1-Hon'ble Minister for early hearing. However, till today he has not received any communication on the said application. Learned counsel for petitioners, therefore, submits that the petitioners will be satisfied if directions are given to the respondent no.1 to decide the said application and appeal, expeditiously.

Mr. Chopade, learned counsel for respondent nos. 6 to 11, on whose complaint proceedings were initiated, has no objection.

The writ petition is, therefore, disposed of with a direction to respondent no.1 to decide the application for grant of stay within a period of two weeks from 29.01.2021. The petitioners as well as respondent nos. 6 to 11 are directed to appear before respondent no.1 on 29.01.2021.

With these directions, the writ petition is disposed of. No order as to costs.

JUDGE