

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO.787 OF 2021

Himmatrao s/o Tulshiramji Aathawale
and another

... Petitioner

- Versus -

The State of Maharashtra and others

... Respondents

Shri A.M. Deshpande, Additional Government Pleader for
Respondent Nos.1 to 4.

Shri N.A. Gawande, Advocate for Respondent Nos.5 and 6.

CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.

DATE : 9 FEBRUARY 2021

P.C. :

The Petitioners have sought a direction to the Respondent No.3 to decide the Village Panchayat Case No.2/2020-21 filed by the Petitioners seeking disqualification of Respondent Nos.5 and 6 and stay to the election to the post of Sarpanch of Village

Panchayat, Jawala Shahapur, Taluq Chandur Bazar, District Amravati.

2) Shri Gawande, learned Counsel for the Respondent Nos.5 and 6, states that the first date in the aforesaid proceedings was yesterday. That would mean that the proceedings are already underway. As far as grant of stay to the election to the post of Sarpanch is concerned, in view of the declared position of law, same cannot be granted. In case the Petitioners succeed in their proceedings filed to disqualify Respondent Nos.5 and 6, necessary consequences in law will follow even if the Respondent No.5 or 6 are elected as Sarpanch. Writ Petition is disposed of accordingly.

(ANIL S. KILOR, J.)

(NITIN JAMDAR, J.)

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**Kamal
Jeswani**

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