

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

WRIT PETITION NO.901/2021

Rushi Bondya Portet

..VS..

State of Mah., thr. Ministry of Rural Development, Mantralaya, Mumbai-32
and ors

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

Court's or Judge's Order

.....
Shri A.R.Fule, Counsel for the Petitioner.
Mrs.Kalyani Deshpande, AGP for the State.

CORAM : V.M.DESHPANDE J.
DATED : FEBRUARY 13, 2021.

1. Today, in afternoon, at 1:00 O'clock, I received a telephonic call from Shri Amit Joshi, Registrar (J) of this Court, that Advocate Shri A.R.Fule for the petitioner has contacted him for placing the matter since it is very urgent inasmuch as it was informed to him by the Registrar (J) that election of Sarpanch is to be held on 15.2.2021.

2. Looking to the said fact, I directed the Registrar (J) that the writ petition be placed in Chamber.

3. Accordingly, learned counsel Shri A.R.Fule for the petitioner presented the writ petition for my consideration.

4. From the office of Government Pleader of the High Court, learned Assistant Government Pleader Mrs.Kalyani Deshpande was also present since copy was served upon her by learned counsel Shri A.R.Fule for the

petitioner.

5. Order challenged in this writ petition is order passed by the Collector at Gadchiroli dated 12.2.2021. By the said, the Collector allowed application filed on behalf of respondent No.5 by declaring that the petitioner has incurred disqualification under Section 14(1)(j-2) of the Maharashtra Village Panchayat Act.

6. Learned Assistant Government Pleader Mrs.Kalyani Deshpande for the State, rightly pointed out from the election programme which is placed on record at page No.17 that election of Sarpanch and Up-Sarpanch is at 2:00 O'clock on 15.2.2021. She, therefore, rightly submitted that the petitioner can approach to appellate authority in the morning session itself.

7. Learned counsel Shri A.R.Fule for the petitioner, candidly admits that against the order impugned in this writ petition an appeal is provided.

8. Question involved in this writ petition is a disputed question of fact regarding factum of resignation by the petitioner from the post of Member of Zilla Parishad.

9. Since appeal is provided, learned counsel Shri A.R.Fule for the petitioner submits that permission be given to him to withdraw this writ petition with a liberty to the petitioner to file an appeal before appellate authority.

10. In view of the permission made, the petitioner is allowed to withdraw this writ petition with liberty to him to file appeal challenging order passed by the Collector at Gadchiroli on 12.2.2021.

With this, the writ petition is disposed of as withdrawn.

11. Copy of this order, duly authenticated by the Court's Sheristedar, be supplied to parties.

JUDGE

!! BRW !!