

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

WRIT PETITION NO.2947 OF 2021

[Sau. Kusum Premlal Dhande .vs. Hon'ble Minister, Rural Development Department, 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

Shri N.A. Gawande, Advocate for the petitioner.

CORAM : N.B. SURYAWANSHI, J.
DATED : AUGUST 13, 2021.

Heard the learned Advocate for the petitioner.

2. This petition challenges disqualification order passed against the petitioner under Section 39 (1) of the Maharashtra Village Panchayats Act, 1959. A complaint was lodged against the petitioner under Section 39 of the said Act by the respondent no.3, wherein allegations of misconduct are mentioned. According to the petitioner, the impugned order is passed on a ground which was not mentioned in the complaint. Therefore, the impugned order is in violation of principles of natural justice.

3. Though the impugned order is challenged by the petitioner by filing appeal before the

respondent no.1 on 2.8.2021, till date, neither the appeal nor the stay application is heard.

4. *Prima facie*, there appears substance in the contentions raised by the petitioner that the petitioner was disqualified on a totally new ground, which was not alleged by the respondent no.3 in the complaint.

5. In that view of the matter, there shall be stay to the impugned order passed by the respondent no.2 during the pendency of the appeal before the respondent no.1. The appeal of the petitioner may be decided expeditiously and preferably within four weeks from today.

6. With these directions, the writ petition is disposed of.

(N.B. Suryawanshi, J.)