

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

WRIT PETITION NO. 4228 OF 2021

Hasinabi W/o Kasam Gawali
Aged about 38 years,
Occu. - Household work and
Social Service,
R/o. Mehkar, Tah. Mehkar,
District – Buldhana.

.... **PETITIONER**

// VERSUS //

- 1) State of Maharashtra,
through its Secretary,
Urban Development Department,
Mantralaya, Mumbai-400 032.
- 2) Vikas Vijayrao Joshi,
Aged about 43 years, Occu. Business,
R/o. Ram Nagar, Mehkar,
Tah. Mehkar, District – Buldhana.
- 3) Omprakash Pandurang Saubhage,
Aged about 38 years,
Occu.- Agriculturist,
R/o. Malipeth, Mehkar,
Tah. Mehkar, District – Buldhana.
- 4) Ahmedshah Sabadshah,
Aged about 65 years,
Occu.- Labour,
R/o. Ward No.9, Rahemat Nagar,
Mehkar, Tah. Mehkar,
District – Buldhana.
- 5) The Chief Officer,
Municipal Council, Mehkar,
Tah. Mehkar, District – Buldhana.
- 6) The Collector, Buldhana,
District – Buldhana.

.... **RESPONDENTS**

Shri A. M. Ghare, Advocate with Shri N. R. Tekade, Advocate for the petitioner.

Shri A.M. Kadukar, A.G.P for respondent Nos.1 & 6.

Shri N. B. Kalwaghe, Advocate for respondent Nos.2 & 3.

**CORAM : SUNIL B. SHUKRE AND
ANIL L. PANSARE, JJ.**

DATED : 29.10.2021

ORAL JUDGMENT : (Per Sunil B. Shukre, J.)

1. Heard Shri Ghare, learned counsel for the petitioner, Shri Kadukar, learned A.G.P for respondent Nos.1 and 6 and Shri Kalwaghe, learned counsel for respondent Nos.2 and 3 who appear by waiving notice for the respective respondents. Considering the nature of relief prayed for, we do not think that it is necessary to issue notice to rest of the respondents.

2. **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

3. There can be no two opinions about the fact that any order of disqualification is a drastic order and it brings in for a person affected serious civil consequences. Considering such nature of the order, it is necessary that the Appellate authority statutorily created to decide the appeal, decides it as expeditiously as possible and that if

that does not materialize for reasons beyond the control of the authority, it at least takes up for hearing the application filed in the appeal seeking stay, one way or the other. If this is not done, the remedy of appeal statutorily provided would be rendered illusory.

4. Keeping in mind such object and purpose of the statutory remedy of appeal, we think it appropriate to direct respondent No.1 to decide the appeal of the petitioner in accordance with law, as expeditiously as possible. Hence, the following order :-

- (i) The petition is partly allowed.
- (ii) We direct respondent No.1 to decide the appeal of the petitioner in accordance with law, as expeditiously as possible.
- (iii) We further direct to respondent No.1 to take a decision on the stay application filed by the petitioner, in accordance with law, within a period of four weeks from the date of appearance of the parties physically or virtually before the respondent No.1.
- (iv) Parties may appear physically or virtually before respondent No.1 on **07.11.2021**.

- (v) We make it clear here that so far as period of four weeks granted under this order for deciding the stay application is concerned, there shall be no further extension granted by this Court.

Rule is made absolute in the aforesaid terms. No costs.

(ANIL L. PANSARE, J.)

(SUNIL B. SHUKRE J.)