

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

WRIT PETITION NO.4324 OF 2021

PETITIONER : Shri. Jagdish Mannalalji
Sancheriya,
Aged 45 yrs, Occ: Cultivator, R/o,
Anji (Mothi), Yah. & Dist. Wardha

..VERSUS..

RESPONDENTS : 1. The Minister, State of
Maharashtra, Rural Development
Department, Mantralaya,
Mumbai.
2. The Additional Commissioner,
Civil Lines, Nagpur.
3. The Chief Executive Officer,
Zilla Parishad, Wardha.
4. Block Development Officer,
Panchayat Samitee, Wardha.

Shri. P. S. Kadam, Advocate for Petitioner
Ms. N. P. Mehta, AGP for the Respondent Nos.1 and 2.

CORAM : **N. B. SURYAWANSHI, J.**

DATE : **28.10.2021.**

ORAL JUDGMENT

RULE. Rule made returnable forthwith.

Heard finally with the consent of the parties.

2. The learned Assistant Government Pleader waives service for the Respondent Nos.1 and 2.

3. The Petitioner has challenged the disqualification order dated 23.08.2021 (Annexure-I) passed by the Additional Commissioner, Nagpur, in GP Case No.39(1)/01/2020-21, by filing statutory Appeal before the Respondent No.1. Alongwith the Appeal, stay Application is filed.

4. The matter was heard by Respondent No.1 on 07.09.2021 on video conference. The Petitioner prayed for interim stay. However, in-spite of hearing conducted on 08.09.2021, no order whatsoever is passed on the stay Application or in the Appeal filed by the Petitioner. The Petitioner inquired with the office of Respondent No.1 and requested for passing appropriate orders. However, till date the orders are not passed and the Authorities are now proceeding to hold elections. Hence the present petition.

5. Admittedly, the Petitioner has filed a statutory Appeal, which is required to be considered on merits. Even the stay Application filed by the Petitioner is not yet considered, though the Petitioner was heard on 08.09.2021. In terms of Section 39(3) of the Maharashtra Village Panchayat Act, 1958, a period of 30 days is prescribed for deciding the Appeal. In that view of the matter, the petition deserves to be allowed and the same is hereby allowed. The Respondent No.1 shall decide the Appeal filed by the Petitioner on or before 26.11.2021. Till then, no elections be held for the post of Sarpanch of Village Anji (Mothi), District Wardha.

6. With these directions, Writ Petition No.4324 of 2021 is disposed of.

(N. B. SURYAWANSHI, J.)