

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**WRIT PETITION NO.3297 OF 2022
WITH WP/3298/2022**

**PANDURANG KUNDLIK SURYWANSHI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioners : Mr. Amol T. Jagtap
AGP for Respondents – State : Mr. S. W. Munde
Advocate for Respondent No.5 : Mr. S. G. Kawade

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 08TH MARCH, 2022

PER COURT :

1. Heard.
2. These petitions challenges the stay orders granted by the Additional Divisional Commissioner, Aurangabad, in the appeals filed under Section 33(5) of the Maharashtra Village Panchayat Act. The Collector, Osmanabad, on the application filed by the petitioners, disqualified respondent Nos. 5 and 6 from the post of Sarpanch and Deputy Sarpanch of Gram Panchayat Donja, Taluka Paranda, District Osmanabad, by order dated 27-01-2022. The respondents challenged the said order by filing appeals in which stay is granted.
3. The learned advocate for petitioners vehemently submits that the said order is without assigning any reason and therefore, is

unsustainable and the same is liable to be quashed and set aside.

4. The learned advocate appearing for respondent No.5 has opposed the petition. The learned Assistant Government Pleader for respondents – State also supported the impugned order.

5. The Appeal filed under Section 33(5) of the said Act is statutory appeal which is required to be decided within a period of 60 days from filing of the same. In the present case, the appeal is filed on 09-02-2022 and almost one month is already over. Considering the fact that the appeal filed under Section 33(5) is a statutory appeal, this Court is not inclined to interfere in the discretionary relief granted by the Additional Divisional Commissioner, Aurangabad, in favour of the respondents, as it is the Commissioner who will have to decide the appeal within a period of 60 days as mandated by Section 33(5).

6. In that view of the matter, both the writ petitions are dismissed. No costs.

7. Authenticated copy permitted.

(NITIN B. SURYAWANSHI, J.)