

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

**CIVIL APPLICATION NO.9610 OF 2022
WITH
CIVIL APPLICATION NO.9611 OF 2022
IN WP/1370/2022**

**RAMESH RAMCHANDRA JADHAV
VERSUS
GOPAL NARAYAN NAGTILAK AND OTHERS**

...
Advocate for the Applicant : Shri Rajendrraa Deshmukkh, Senior
Advocate a/w Shri Kunal Kale and Shri Devang Deshmukh i/by
Shri R.R. Kale.

AGP for the Respondents/State : Shri P.S. Patil
Advocate for the original petitioner : Shri S.C.Yeramwar

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**CORAM : RAVINDRA V. GHUGE
&
ARUN R. PEDNEKER, JJ.**

DATE :- 11th August, 2022

Per Court :-

1. In the first Civil Application No.9610/2022, the applicant prays for intervention in Writ Petition No.1370/2022. In the second Civil Application No.9611/2022, the same applicant prays for vacating the ad-interim relief granted by this Court on 28.01.2022 vide which, the petitioner was protected against an adverse action pursuant to the invalidation of his tribe claim.

2. We have considered the strenuous submissions of the learned Senior Advocate on behalf of the applicant and with his assistance, we have perused the record available.

3. The petitioner before us is canvassing his personal cause wherein, his tribe claim has been rejected. He is an elected Sarpanch of the Gram Panchayat, Yedshi. By the invalidation of his tribe claim, he would stand disqualified from the position of the Sarpanch that he holds in the light of Section 10(1)(A) of the Maharashtra Village Panchayats Act r/w the view taken by the Full Bench of this Court in *Anant H. Ulahalkar vs. Chief Election Commissioner and others, 2017 (1) MhLJ 431 (FB)* and the law laid down by the Honourable Supreme Court in *Shankar Raghunath Devre (Patil) Vs. State of Maharashtra and others, 2019) 3 SCC 220*.

4. However, this Court had heard the learned advocate for the petitioner on 28.01.2022 and by way of interim relief, the respondents were restrained from initiating an adverse action against the petitioner. Owing to such directions, the elected position of the petitioner as a Sarpanch has been protected.

5. In the above backdrop, we find that the applicant claims that the petitioner has played a fraud on the competent

committee insofar as relying upon the validity certificates of his blood relatives. We need not go into this aspect, at this stage, for the reason that the applicant has to establish his locus to file an intervention application.

6. The learned Senior Advocate concedes that the applicant is not a resident of village Yedshi and is not a voter enlisted in the Gram Panchayat electoral roll. He is a voter from the Osmanabad district and therefore, he desires that the petitioner should not continue to occupy the post of the Sarpanch under fortuitous circumstances when his claim has been invalidated by the competent committee by drawing the conclusion that a fraud appears to have been played in extracting 32 validity certificates for the blood relatives.

7. In view of the above, since we find that the petition can be considered and decided without the assistance of the applicant and since the decision in the petition is not going to affect the rights of the applicant, there is no reason for permitting him to cause an intervention in the writ petition. His rights are not involved in the petition.

8. In view of the above, the first Civil Application seeking intervention stands rejected. Consequentially, the second

Civil Application praying for vacating the ad-interim protection also would not survive and stands disposed off.

9. Considering the heavy fresh admission daily board of this Court, which is normally more than 150 matters per day and the total cause list indicates more than 200 matters being listed every day, we would not be able to take up Writ Petition No.1370/2022 for final hearing at admission stage by overlooking a large list of fresh admission matters before us. Moreover, this petition is not listed today for hearing.

10. In view of the above, tentatively we are listing this petition for hearing at admission stage on 12.09.2022. This matter would be called out after the fresh admission board is over.

kps (ARUN R. PEDNEKER, J.) (RAVINDRA V. GHUGE, J.)