

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

8 WRIT PETITION NO.8884 OF 2022

**SHUBHANGI MANOHAR POTE AND ANOTHER
VERSUS
HONBLE MINISTER URBAN DEVELOPMENT DEPARTMENT AND
OTHERS**

...
Advocate for Petitioners : Mr.Deshmukh Mahesh S.
AGP for Respondents-State : Mr. K.B.Jadhavar
...

CORAM : SANDEEP V. MARNE, J.

DATE : 10.10.2022.

PER COURT :

1. Mr. Deshmukh, learned Counsel appearing for the petitioners fairly concedes that the appeal filed before the State Government challenging the order passed by the Collector on 09th October, 2020 is maintainable. The only apprehension which Mr. Deshmukh expresses is that the State Government is likely to decide the disqualification proceedings itself while deciding the appeal, though the decision of the Collector is restricted only to the locus of the complaints in filing the References. He, therefore, contends that while deciding the appeal, the State Government may decide only the issue of maintainability of the Reference filed by the plaintiff and that of the State Government shall not decide the merits of the matter.

2. Accordingly the Writ Petition is disposed of as withdrawn, with a clarification that the State Government while deciding the appeal filed by the appellants before it, may not decide the question of disqualification of the petitioners as the appeal can be restricted only to the issue of maintainability of the references filed by the appellants before the Collector. In the event of the decision of the State Government on the issue of maintainability of the proceedings filed before the Collector goes against the petitioners, they would have appropriate remedy under the Law to challenge such decision.

(SANDEEP V. MARNE)
JUDGE

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