

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 10229 OF 2022**

SHOBHA ARUN NEMADE
VERSUS
THE STATE OF MAHARASHTRA
THROUGH THE SECRETARY AND OTHERS

.....

Advocate for the petitioner : Mr. Rajendra Deshmukh Senior
Advocate a/w Adv. Anand Kulkarni i/b Adv. Harish Patil & Adv.
Devang Deshmukh AGP for Respondent State : Mr. D. R. Kale
Advocate for respondent No.3 : Mr. Nirmal. R. Dayamma

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WRIT PETITION NO. 10233 OF 2022

RAMAN DEVIDAS BHOLE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY AND OTHERS

.....

Advocate for the petitioners : Mr. Rajendra Deshmukh, Senior
Advocate, i/b Govind Kulkarni and Adv. Shriram Deshmukh.
AGP for Respondent state : Mr. D. R. Kale
Advocate for respondent No.3 : Mr. Nirmal. R. Dayamma

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**CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, J.**

DATE : 11.10.2022

PER COURT :-

1. In both these matters the petitioners are before this Court in view of respondent no.1 having not delivered any order on the appeals preferred on 25.07.2022. The petitioners were praying

for ex-parte ad-interim relief before respondent No.1, since they have been disqualified, though after completion of their entire elected tenure, to hold any remunerative political post for a duration of the period of six years commencing from the date of their disqualification.

2. The petitioners, therefore, have approached this Court by directly assailing the order of the District Collector in view of their appeals being merely kept pending by respondent No.1.

3. The learned Government Pleader submits that instead of this Court entertaining these two petitions, the petitioners can very well approach respondent No.1 at the earliest. The learned Senior Advocate representing the petitioners submits that the petitioners would address respondent No.1 on 14. 10. 2022 at 12 noon in Mantralaya Mumbai. The legal representative would represent both the petitioners. Written notes of submission would also be tendered and case law, if any, would be cited. The petitioners would be praying for- ex-parte ad-interim protection and issuance of notice.

4. In view of the above, these two petitions are disposed off with the following directions :-

- (a) The petitioners shall appear before respondent No.1 at 12 noon on 14. 10. 2022 through a legal representative. Written notes of submissions and case law would be tendered.
- (b) Respondent No.1 would consider the request of the petitioners for grant of ex-parte ad interim relief while issuing notice to the respondents by taking into account contentions of the petitioners, more particularly that Section 3(A) of the Maharashtra Local Authority Members Disqualification Act, 1986 is not at all attracted and the order of the District Collector under sub-section (2) is legally unsustainable.
- (c) After such submissions are concluded on the said date, respondent No.1 would pass an order, latest by 19.10.2022 before 2:00 p.m and copy of the order be kept ready so as to delivered to the petitioners.
- (d) Needless to state that, a reasoned order is expected on or before 19.10.2022, but not later than 2:00 p.m. of 19.10.2022.

**(SANJAY A. DESHMUKH)
JUDGE**

**(RAVINDRA V. GHUGE,)
JUDGE**