

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

WRIT PETITION NO. 14856 OF 2021

Parasram Mitthu Kanhere

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

.....
Mr. Shrikant G. Kawade, Advocate for the petitioner
Mrs. P. V. Diggikar, AGP for respondent/State
.....

**CORAM : BHARATI H. DANGRE, J.
DATE : JANUARY 17TH, 2022**

PER COURT : -

1. Heard the learned Counsel for the petitioner and the learned AGP.

. The general election of the Gram Panchayat, Sharnapur, Tq. & Dist. Aurangabad was held in the year 2017 and the respondent no. 7 on contesting from Ward No. 2, came to be elected as a member of Gram Panchayat, Sharnapur.

. Being aggrieved, the petitioner moved an application before the Collector seeking his disqualification by invoking Section 14 (1) (J-3) of the Maharashtra Village Panchayat Act, 1958, on the ground that his father has made an encroachment on the government property and this incurred a disqualification upon him.

2. The Counsel for the petitioner submits that the Collector had directed the Block Development Officer to conduct the spot panchanama / inquiry about the said encroachment. The Collector by his order dated 18.11.2021 disqualified the respondent no. 7 as Member of the Gram Panchayat, Sharnapur, against which an appeal was preferred by him before the Addl. Divisional Commissioner. In the said appeal the application for grant of stay was pressed into service and on 08.12.2021, the stay application has been granted and it is informed by the Counsel for petitioner that the matter is now closed by the Addl. Divisional Commissioner for final order/judgment upon the appeal.

3. Since the petitioner is aggrieved by the grant of stay in favour of respondent no. 7, it would be expedient in the interest of justice to issue direction to Addl. Divisional Commissioner, who is seized of the appeal filed by respondent no. 7, to pass the judgment, since the proceedings are already concluded by him, within a period of four weeks from today.

4. Let the learned AGP communicate the said order to the Addl. Divisional Commissioner, Aurangabad, who shall abide by the aforesaid directions.

5. In the wake of the aforesaid directions, the writ petition is disposed off.

[BHARATI H. DANGRE]
JUDGE