

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3014 OF 2021

Mr.Pradip C. Choughule

...Petitioner

Vs.

State of Maharashtra & Ors.

...Respondents

Mr.M.V. Thorat for the Petitioner.

Mr.R.M. Haridas i/b Mr.V.H. Narvekar for Respondent No.5.

Ms.M.S. Bane, AGP for the Respondent No.1-State.

CORAM : C.V. BHADANG, J.

DATE : 13 SEPTEMBER 2022

P.C.

. This Petition can be disposed of on a short count.

2. The Respondent No.5 has been elected as a member as well as Sarpanch of Village Panchayat of Anjangaon, Taluka-Madha, District-Solapur. On the basis of a complaint of the Petitioner and on the direction issued by the Superior Officers proceedings for disqualification of the Respondent No.5 were initiated before the Collector, Solapur on the ground that the Respondent No.5 had a third child borne after the cut off date.

3. The Respondent No.5 was eventually declared disqualified. Subsequently, the matter has a chequered history. For the present purpose suffice it to mention that by the impugned order dated 2 December 2019 the Divisional Commissioner, Pune remitted

the matter about the disqualification of the Respondent No.5 to the Collector, Solapur. It is this order which is subject matter of challenge in this Petition.

4. The learned counsel for the Petitioner submitted that the said Application being Application No.13 of 2018 is pending before the Collector. He submitted that the tenure of the Respondent No.5 is to expire in December-2022.

5. The learned counsel for Respondent No.5 states that arguments on behalf of the Respondent No.5 have been concluded before the Collector, Solapur.

6. In that view of the matter, the present Petition is disposed of by expediting the proceedings in Application No.13 of 2018 before the Collector, Solapur.

7. The parties shall appear before the Collector, Solapur on 19 September 2022.

8. The learned Collector shall decide the Application within a period of two weeks from the date of the appearance of the parties.

Needless to mention that the application shall be decided on its own merits and in accordance with law without being influenced by the observations of the Divisional Commissioner.

In the circumstances there shall be no order as to costs.

C.V. BHADANG, J.