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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

**CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10103 OF 2022**

Ayub Sallauddin Shaikh ... Petitioner
Versus
Ld. District Collector of Pune and Anr. ... Respondents

Mr. Manoj A. Patil i/b Ashish P. Pawar, for the Petitioner.
Mr. S.H. Kankal, AGP for Respondent no.1
Mr. Anil V. Anturkar, Senior Advocate a/w Ranjit D. Shinde i/b Ajinkya M. Udane, for Respondent No.2.
Mr. Rahul Bhosale, Respondent No.2 present in person.

CORAM : MADHAV J. JAMDAR, J.

DATED : 4th OCTOBER 2022

PC. :

1. Heard Mr. Manoj Patil, learned counsel for the Petitioner, Mr. Anturkar, learned Senior Counsel for Respondent No.2 and Mr. S.H. Kankal, learned AGP for Respondent no.1.

2. The Petitioner has sought the following substantive reliefs in the Petition :

(b) This Hon'ble Court be pleased to issue appropriate writ, order and or direction and to quash and set aside the impugned judgment and order dt. 22/07/2019 passed by the Ld. District Collector of Pune in Dispute Application No.1225 of 2018 and to disqualify the Respondent No.2

as a Sarpanch/Member of Grampanchayat Kurkumbh, Tal.: Daund, Dist.: Pune u/s 14-B of the Maharashtra Village Panchayats Act, 1959.

(c) This Hon'ble Court be pleased to issue appropriate writ, order and or direction and to allow and permit the Petitioner to act and to discharge the duties as a Sarpanch of Grampanchayat Kurkumbh, Tal.: Daund, Dist.: Pune.”

3. As far as the relief regarding the impugned order dated 22nd July 2019, the said order is set aside by a separate order passed today in Writ Petition No.10097 of 2022. The present Petitioner is not a complainant in the Dispute Application No.1225 of 2018. In any case, as the said order is set aside, prayer clause (b) is worked out. Mr. Manoj Patil, learned Counsel for the Petitioner fairly states that nothing survives as regards reliefs sought in prayer clause (b).

4. As far as prayer (c) is concerned, the Petitioner is seeking direction to allow and permit the Petitioner to act and discharge the duties as a Sarpanch of Gram Panchayat Kurkumbh, Tal. Daund, District Pune. The Supreme Court by order dated 26th July 2022 passed in Civil Appeal No. 4925 of 2022 [SLP (C) No. 552 of 2022] has refused

to grant the said relief to the Petitioner and observed as follows :

“Learned counsel for the respondent No.7 did seek to contend that in the interregnum period, he has been elected and his election cannot be set aside in this collateral manner. We fail to appreciate the submission for the reason that if the unseating of the appellant was by an incompetent authority, that itself will entitle the appellant to be reinstated again and thus, all acts done after that including the appointment of respondent No.7 would not be sustainable in law.”

5. Thus as per the present position, Respondent No.2 continues to be Sarpanch and his disqualification proceedings are remanded back. There is no order passed disqualifying the Respondent no. 2. Thus, there is no impediment for Respondent No.2 to continue as Sarpanch. Therefore, no relief can be granted in terms of prayer clause (c).

6. Writ Petition is disposed of in above terms with no order as to costs.

(MADHAV J. JAMDAR, J)