

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.

Writ Petition No. 827 of 2022

Swaraj S/o Dilip Thote
Aged about 23 years, Occ :
Agriculturist, R/o Gaigaon,
Tq. Balapur, Dist. Akola.

... Petitioner

... Versus ...

- (1) State of Maharashtra through the
Hon'ble Minister of Rural
Development, Maharashtra State,
Mantralaya, Mumbai-400032.
- (2) Divisional Commissioner, Amravati
Division, Amravati.
- (3) Chief Executive Officer,
Zilla Parishad, Akola.
- (4) Block Development Officer,
Panchayat Samiti, Balapur,
Dist. Akola.
- (5) Village Development Officer,
Gram Panchayat, Gaigaon,
Tq. Balapur, Dist. Akola.
- (6) Sau. Dipmala W/o Sanjay Wankhade
Aged Major, Occ : Sarpanch of Gram
Panchayat, Gaigaon.
- (7) Sau. Satyabhama W/o Haribhau Dhok
Aged Major, Occ : Member of Gram
Panchayat, Gaigaon
- (8) Sau. Vidya W/o Dnyaneshwar Bhiwte
Aged Major, Occ : Member of Gram
Panchayat, Gaigaon

(9) Sau. Aruna W/o Gorakh Khetkar,
Aged Major, Occ : Member of Gram
Panchayat, Gaigaon

(10) Sau. Nasimunnabai Habib Khan
Aged Major, Occ : Member of Gram
Panchayat, Gaigaon

No. 6 to 10 R/o Gaigaon,
Tq. Balapur, Dist. Akola.

... Respondents

Mr. S. D. Chopde, Advocate for the petitioner
Mr. K. L. Dharmadhikari, A.G.P for respondents 1 and 2
Mr. D. G. Gawande, Advocate for respondents 6 to 10

CORAM : ROHIT B. DEO, J.

DATED : 23-2-2022

ORAL JUDGMENT

Rule. Rule made returnable forthwith. The petition is heard finally with consent of the learned counsel appearing for the parties.

2. The petitioner is a Member of Gram Panchayat, Gaigaon, Tahsil Balapur, District Akola which incidently is not impleaded as party respondent, and is assailing an interim order dated 9-2-2022 rendered by the Hon'ble Minister whereby the order of disqualification of respondents 6 to 10 is stayed during the pendency of the appeal.

3. According to the learned counsel, Mr. Chopde, the order of stay is unreasoned.

4. The communication dated 9-2-2022 which according to the petitioner is the order impugned, is addressed by the Under Secretary of the concerned Department to the Divisional Commissioner, Amravati and with a copy to the petitioner. The said communication purports to inform the concerned that pursuant to the hearing conducted by the Hon'ble Minister on 9-2-2022, the order of disqualification rendered by the Divisional Commissioner, Amravati is stayed and that the next date of hearing shall be informed shortly.

5. It is not clear whether there is an independent or separate order passed by the Hon'ble Minister.

6. However, even *de hors* the said aspect and assuming that the order impugned is cryptic, I am not inclined to interfere in writ jurisdiction since the election to the office of Sarpanch was scheduled on 10-2-2022, and it is in view of the urgent situation that the hearing appears to have been conducted.

7. Keeping all contentions raised in the petition open, the Hon'ble Minister is directed to finally decide the appeal within fifteen days from the appearance of the parties.

8. The parties are directed to appear in the office of the Collector, Akola on 25-2-2022 and it shall be responsibility of the Collector to arrange for hearing through video conferencing.

9. While I am not interfering in the order of stay, the Members of the Gram Panchayat, who may be in office in view of the interim order, are directed not to take any policy decision or any decision involving financial implication till the appeal is finally decided.

10. Petition is disposed of.

JUDGE

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