

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

WRIT PETITION NO. 4528/2021

Ravindra S/o Namdeo Pandit,
Aged 45 years, Occ. Sarpanch,
R/o Gram Panchayat Dudhaham, Tq. District Akola.

PETITIONER

.....VERSUS.....

1. Hon'ble Minister,
Rural Development and Panchayat Raj,
Division, Bandhkam Bhawan Building, Ground
Floor, 25, Marzbanpath, Fort, Mumbai-400001.
2. The Divisional Commissioner,
Amravati Division Amravati.
3. The Chief Executive Officer,
Zilla Parishad Akola, District Akola.
4. Block Development Officer,
Panchayat Samiti, Akola.
5. Baburao Govind Pandit,
Aged about Adult, Occ. Agriculturist,
R/o Dudhaham, Ward No.1, Tq.& Distt. Akola.
6. Shankarrao S/o Nagorao Mahalle,
Aged about-Adult, Occ-Agriculturist,
R/o Dudhaham, Ward No.1, Tq.& Distt. Akola.

RESPONDENTS

Shri D.M. Totey, counsel for the petitioner.
Ms N.P. Mehta, Assistant Government Pleader for the respondent nos.1 and 2.
Ms H.N. Jaipurkar, counsel for the respondent nos.3 and 4.

CORAM : A. S. CHANDURKAR AND SMT. M.S. JAWALKAR, JJ.

DATE : 03RD FEBRUARY, 2022.

ORAL JUDGMENT (PER : A.S. CHANDURKAR, J.)

Considering the limited prayer made in this writ petition, the same has been taken up for final adjudication. **RULE.** Rule made returnable forthwith and heard the learned counsel for the parties.

2. The petitioner was elected as Sarpanch of Gram Panchayat Dudhlam, Taluka and District Akola. In proceedings under Section 39(1) of the Maharashtra Village Panchayats Act, 1958 (for short, 'the said Act'), the petitioner came to be disqualified by an order dated 06.09.2021 passed by the Divisional Commissioner, Amravati Division, Amravati. It is the case of the petitioner that he has filed an appeal before the State Government under Section 39(3) of the said Act which is not being adjudicated. Another grievance raised by the petitioner is that an application for interim relief that was filed before the State Government has also not been decided. Such application was made pursuant to the order passed by this Court in Writ Petition No.3904 of 2021 on 06.10.2021.

3. Considering the aforesaid facts the interests of justice would be served by passing the following order:

- (I) The State Government – Appellate Authority shall decide the application for stay that has been preferred by the petitioner within a period of four weeks from the date of production of this order before the said Authority.
- (II) The appeal filed under Section 39(3) of the said Act shall also be decided expeditiously and preferably within a period of three months from the date of production of this order.
- (III) The adjudication be undertaken on its own merits and in accordance with law.

4. Rule is made absolute in aforesaid terms. No costs.

(SMT. M.S. JAWALKAR, J.)

(A.S. CHANDURKAR, J.)

APTE