

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
WRIT PETITION NO. 7196 OF 2022

(Sau. Rupali Dinesh Kale Vs. The State of Maharashtra & Ors.)

*Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders.*

Court's or Judge's order

Shri Vinay Dahat, Advocate for the petitioner.
 Ms. T.H. Udeshi, Assistant Government Pleader for respondent Nos. 1 and 2/ State.
 Shri N.A. Gawande, Advocate for respondent No.4.

CORAM : A. S. CHANDURKAR AND ANIL L. PANSARE, JJ.

DATE : NOVEMBER 23, 2022.

Heard.

The petitioner was elected as Sarpanch of the Gram Panchayat – Besakheda, Taluka – Chandur Bazar, District – Amravati. In proceedings initiated under Section 39(1) of the Maharashtra Village Panchayats Act (for short “the said Act”), the Divisional Commissioner held her to be disqualified on 28/10/2022. Against that order, the petitioner has preferred an appeal under Section 39(3) of the said Act. The grievance of the petitioner is that despite filing the said appeal along with an application for grant of stay, no orders have been passed on the said application. In the meanwhile, fresh election for the post of Sarpanch has been declared and the same is to be held on 25/11/2022.

In the aforesaid facts, the interests of justice would be served by passing the following order :

The petitioner and respondent No.4 shall appear before the State Government – Appellate Authority on 1/12/2022 to enable consideration of the appeal preferred by the petitioner. The said appeal be decided within a period of one month from that date in accordance with the provisions of Section 39(3) of the said Act on its own merits. The election for the post of Sarpanch which is to be held on 25/11/2022 would be subject to the outcome of the said appeal.

The Writ Petition is disposed of.