

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

WRIT PETITION NO. 6933 OF 2019

Shri Ranjitsingh s/o Basantsingh Chouhan,
Aged 35 years,
R/o Vidhya Nagar, Occupation – Business,
Koradi Road, Nagpur.

.... **PETITIONER**

VERSUS

1) Additional Commissioner,
Nagpur Division, Nagpur.

2) Smt. Anita w/o Babanrao Pandit,
Aged about 39 years,
Occupation – Sarpanch,
Gram Panchayat, Bokara.

3) Shri Babanrao s/o Shriram Pandit,
Aged about 40 years,
Occupation – Business,

Both R/o Plot No.53, Nasheman
Co-operative Housing Society Layout,
Bhokara, District Nagpur.

.... **RESPONDENTS**

Mr. R.L. Khapre, Senior Counsel assisted by Mr. S.A. Mohta, Counsel for
the petitioner,

Ms. T.H. Khan, AGP for respondent 1,
Mr. B.S. Dhandale, Counsel for respondents 2 and 3.

CORAM : ROHIT B. DEO, J.

DATED : 9th MARCH, 2022

ORAL JUDGMENT :

The petitioner is assailing the order dated 19-6-2019 rendered by respondent 1-Additional Commissioner, Nagpur Division, Nagpur in 31(1)/58/2017-18 whereby the application preferred by the petitioner seeking disqualification of respondent 2 as the Sarpanch of Gram-Panchayat Bokhara, is dismissed.

2. Although there is a statutory remedy of appeal available, since it is common ground that the order dated 19-6-2019 is passed without hearing the petitioner, I am inclined to entertain the petition in view of the exceptional case made out.

3. The order impugned is clearly a nullity. The same is set aside and the matter is remitted to respondent 1-Additional Commissioner, Nagpur for fresh decision in accordance with law.

4. The parties shall appear before respondent 1-Additional Commissioner, Nagpur on 22-3-2022 and shall produce copy of this judgment.

5. Respondent 1-Additional Commissioner, Nagpur shall decide the application as expeditiously as possible, and in any event, within thirty

days from the date of appearance of the parties. It is made clear that no separate notices shall be issued by the authority.

6. The petition is disposed of in the afores-stated terms.

7. The parties to act on the copies authenticated by the Court Sheristedar.

JUDGE

adgokar