

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6008 OF 2023

Dnyaneshwar Tulshiram Dighe

.. Petitioner

Versus

Subhash Daulatrao Dighe and others

.. Respondents

Mr. Sudhir Chavan, Advocate h/f Mr. Vaibhav U. Pawar, Advocate for the Petitioner.

Mr. S. G. Sangale, AGP for Respondent Nos. 3 and 4.

CORAM : KISHORE C. SANT, J.

DATED : 06th JUNE, 2023.

P. C. :-

. Issue notice to respondents, returnable forthwith. Learned A.G.P waives notice for respondent Nos. 3 and 4.

2. Considering the nature of the petition and the prayer, this Court finds that, no notice is necessary to respondent Nos. 1 and 2.

3. The grievance of the petitioner is that, he is declared as disqualified by the Collector in a dispute raised by respondent No. 1. The petitioner therefore filed an appeal in the Court of learned Additional Divisional Commissioner, Aurangabad and the same is pending. The application filed by the petitioner seeking stay to the order passed by the learned Collector came to be rejected by the

learned Additional Divisional Commissioner by his order dated 26.05.2023. The petitioner has filed this petition for limited purpose seeking stay to the order passed by the learned Collector holding him disqualified to hold the post of Sarpanch.

4. Looking to the grievance this Court finds that, the petition can be disposed off with a direction to the learned Additional Divisional Commissioner, Aurangabad i.e. respondent No. 4 to decide the Grampanchayat Appeal No. 37/2023 pending before him as early as possible and preferably within a period of one (01) month from today. Any action taken till then will be subject to outcome of the appeal.

5. The writ petition stands disposed off.

6. Needless to say that, all contentions are kept open.

(KISHORE C. SANT, J.)

P.S.B.