

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

WRIT PETITION NO. 6004 OF 2023

Savita Shivaji Waghmare

.. Petitioner

Versus

The State of Maharashtra Through its Secretary
and others

.. Respondents

Mr. Satish Prabhakar Dhobale, Advocate for the Petitioner.

Mr. S. P. Tiwari, AGP for Respondent Nos. 1 to 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. 1 to 4.

2. Considering the nature of the petition and the prayer, this Court finds that, no notice is necessary to respondent No. 5.

3. The petitioner has filed an appeal before the Additional Divisional Commissioner, Aurangabad challenging the judgment and order passed by the learned Collector, Nanded declaring her as disqualified. The limited grievance is that in the meantime, the learned Collector on 26.05.2023 has passed an order directing to hold election to the post of Sarpanch. The petitioner apprehends that if the post of

Sarpanch is filled in, her appeal before the Additional Divisional Commissioner would become infructuous. From the petition it is seen that, she has not filed any application seeking stay to the order impugned in the appeal. Since she has not filed any stay application, the petition can be disposed off with liberty to the petitioner to apply for stay to the impugned order in the appeal.

4. The petitioner to file application on or before 09.06.2023. Till then, if any action is taken pursuant to letter dated 26.05.2023 (Exhibit-E to the petition), the same shall be subject to outcome of the appeal before the Additional Divisional Commissioner.

5. The writ petition stands disposed off.

(KISHORE C. SANT, J.)

P.S.B.