

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

WRIT PETITION NO.7295 OF 2023

**SHARAD NAMDEO PAWAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

...

Advocate for the Petitioners : Shri Anerao Panditrao S.
AGP for Respondents 1 and 2 /State : Shri S.G. Karlekar

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**CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.**

DATE :- 02nd August, 2023

Per Court :-

1. This petition was filed on 28.06.2023. The same Petitioners were before this Court in Writ Petition No.5614/2023. By an order dated 25.05.2023 passed by the learned Vacation Court (Coram : Y.G. Khobragade, J.), it was recorded in paragraph 3 as under:-

"3. *Therefore, considering that alternate remedy is available to the petitioners, the petitioners are permitted to withdraw the present petition with liberty to approach before the State Government under Section 7(3) of the Maharashtra Local Authority Members' Disqualification Act, 1986. After lodging of the appeal by the petitioners, the State Government is directed to decide the appeal as early as*

*possible within a period of eight weeks. Writ
Petition is disposed of as withdrawn."*

2. The learned AGP takes a strong exception to the filing of this petition on 28.06.2023, which is in the fourth week after the order dated 25.05.2023 was passed. Without the period of eight weeks being completed, this petition was filed. As such, on this solitary ground itself, the petition deserves to be dismissed.

3. The Petitioner has prayed in the petition that the order passed by the District Collector dated 19.05.2023 in Proceeding No.39/2023, be stayed. The same order was challenged in Writ Petition No.5614/2023 in which, the order dated 25.05.2023 was passed. The petition was unconditionally withdrawn.

4. The learned AGP submits that a second Petition cannot be filed, once the cause of action has been taken up before this Court and after the Court expressed its disinclination, the petition was withdrawn for the reason that the Petitioner would approach the State Government. The second petition in the same cause cannot be entertained.

5. In view of the above, **this Writ Petition stands**

dismissed.

6. At this juncture, the learned Advocate for the Petitioners submits that the interim relief application pending before Respondent No.1 may be decided expeditiously.

7. We find that since this Court has passed the order in vacation dated 25.05.2023, directing the State Government to decide the appeal as early as possible and within the period of eight weeks. No further orders are, therefore, necessary as the appeal is expected to be decided within the time frame.

8. The State Government shall communicate the decision in the appeal, as and when it is decided, to the Petitioners on their addresses mentioned in the proceedings, expeditiously.

kps (Y. G. KHOBRAGADE, J.) (RAVINDRA V. GHUGE, J.)