

Arjun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.13798 OF 2023

Shri. Uttam Nivrutti Nigade ...Petitioner

V/s.

The State of Maharashtra & Ors. ...Respondents

**WITH
WRIT PETITION NO.11209 OF 2023**

Sardar Keshav Diwase ...Petitioner

V/s.

Uttam Nivrutti Nigde & Ors. ...Respondents

Mr. Yuvraj Gharal, for the Petitioner in WP/13798/2023.

Mr. P. G. Sawant, AGP, for the Respondent-State in WP/13798/2023.

Mr. Drupad S. Patil i/b Dheeraj Patil, for the Petitioner in WP/11209/2023.

Mrs. V. S. Nimbalkar, AGP, for the Respondent No.4-State in WP/11209/2023.

**CORAM : MADHAV J. JAMDAR, J.
DATED : NOVEMBER 03, 2023**

P.C.:

1. The Writ Petition No.11209 of 2023 is not on board. Taken on board.

2. Heard Mr. Gharal, learned counsel appearing for the Petitioner in Writ Petition No.13798 of 2023.

3. It is his submission that by the order dated 31st August 2023 passed in Writ Petition No.10815 of 2023, the Gram Panchayat Appeal No.5 of 2023 filed before the Additional Divisional Commissioner, Pune Division, Pune was directed to be decided within a period of 15 days. In the meantime, one Sardar Keshav Diwase filed an Application for impleadment as a party in the said Gram Panchayat Appeal No.5 of 2023. By the order dated 4th August 2023, the learned Additional Divisional Commissioner, Pune Division, Pune dismissed the said Appeal. The Writ Petition No.11209 of 2023 takes exception to the said order.

4. This Court, by the order dated 31st October 2023 passed in Writ Petition No.11209 of 2023 has issued notice to the Respondents and stayed hearing of the said Gram Panchayat Appeal No.5 of 2023. However, in the meantime, the election for vacant member of Panchayat has been declared.

5. It is the contention of Mr. Gharal, learned counsel appearing for the Petitioner in Writ Petition No.13798 of 2023, that if the elections are held, then the said Gram Panchayat Appeal No.5 of 2023 will become infructuous. He states that by the order dated 31st August 2023 passed in Writ Petition No.10815 of 2023, the said Gram Panchayat Appeal No.5 of 2023 was directed to be disposed of within a period of 15 days.

6. Therefore, there is substance in the contention raised by learned counsel appearing for the Petitioner. Accordingly, with the consent of the contesting parties and in the interest of justice, the following order is passed :

- (1) The Application filed by the Petitioner, in the Writ Petition No.11209 of 2023, i.e., Sardar Keshav Diwase, seeking that he be impleaded as a party to the said Gram Panchayat Appeal No.5 of 2023, is allowed.
- (3) The Additional Commissioner, Pune Division, Pune is directed to dispose of the said Gram Panchayat Appeal No.5 of 2023 on or before 8th December 2023.
- (4) Till the disposal of the said Gram Panchayat Appeal No.5 of 2023, the election for the post of member of Panchayat that has become vacant due to the disqualification of the Petitioner in Writ Petition No.13798 of 2023, be not held.
- (5) Both the Writ Petitions, i.e., Writ Petition No.13798 of 2023 and Writ Petition No.11209 of 2023, are disposed of in the above terms with no order as to costs.

7. It is clarified that this Court has not considered the merits and all the contentions on merits are expressly kept open.

[MADHAV J. JAMDAR, J.]