

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1300 OF 2023

Rohan Vishwanath Khedekar

.. Petitioner

Versus

Devgad Jamsande Nagarpanchayat & Ors.

.. Respondents

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- Mr. Narendra V. Walawalkar, Senior Advocate a/w Mr. Suresh Sabrad, Mr. Vikram N. Walawalkar, Mr. Kaustubh Marathe & Mr. Amey Sawant for Petitioner
- Mr. Ulhas T. Naik for Respondent No. 1
- Mr. Vivek Salunke a/w Ms. Netra Londhe i/by Mr. Pradhan & Rao for Respondent No. 2
- Mrs. S.S. Bhende, AGP for State

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 03, 2023

P.C.:

- 1.** Heard learned Advocates appearing for the parties.
- 2.** Perused the record of the case. The Writ Petition takes exception to the order dated 21.12.2022 passed by Respondent No. 3 District Collector, Sindhudurg in Disqualification Application No. 3 of 2022 filed by Respondent No. 2. Petitioner was elected as councilor in the year 2021 and Respondent No. 2 thereafter filed a Complaint on 07.11.2022 before the Collector.
- 3.** Mr. Walawalkar, learned Senior Counsel for Petitioner has taken me through the gamut of the proceedings. It needs to be mentioned that Exh. 'A', 'B' and 'C' of the Writ Petitions are material in

this respect, *inter alia*, considering that it was the case of Respondent No. 2 that no material whatsoever was placed before the concerned competent authority. That apart, the impugned order has been passed denying cross-examination of the complainant i.e. Respondent No. 2 by the learned Collector.

4. Be that as it may, Mr. Salunke, learned Advocate for Respondent No. 2 would argue that he has taken instructions and in all fairness, the cross-examination of Respondent No. 2 can be proceeded with before the learned District Collector. In view of this statement, the impugned order dated 21.12.2022 stands quashed and set aside. Disqualification Application No. 3 of 2023 shall be proceeded with and the Complainant – Respondent No. 2 shall make himself available before Respondent No. 3 - District Collector for cross-examination by the Petitioner.

5. Both the parties are directed to appear before Respondent No. 3 - District Collector on 08.02.2023 at 12:00 noon to fix the schedule of cross-examination. The learned District Collector is requested to dispose of Disqualification Application No. 3 of 2022 on its own merits and strictly in accordance with law without being influenced by any of the observations made in the impugned order as well as this order.

6. Needless to state that Disqualification Application No. 3 of 2022 shall be disposed of finally after hearing the parties and passing a reasoned order preferably within three months from today.

7. In view of the above directions, Writ Petition is disposed.

[MILIND N. JADHAV, J.]

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