

rrpillai

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3139 OF 2023**

Areef Gaphur Maniyar ... Petitioner
vs.
The District Collector, Raigad and Ors. ... Respondents

**WITH
WRIT PETITION NO. 3192 OF 2023**

Sachin Sudhakar Jawake ... Petitioner
vs.
The District Collector Raigad and Ors. ... Respondents

Mr. C. G. Gavnekar a/w. Mr. Ashutosh Gavnekar and Mr. Rohit Parab, Advocate for the Petitioner in both Writ Petitions.

Mr. P. P. Kakade, GP a/w. Mr. R. S. Pawar, AGP for Respondent Nos. 1 and 4 - State in WP/3139/2023.

Mr. Yashodeep Deshmukh a/w. Ms. Vaidehi Deshmukh and Ms. Aditi Athawale for Respondent No. 2 in both Writ Petitions.

Mr. Suhas S. Deokar, Advocate for Respondent No. 3 in WP/3139/2023.

Mr. Kishor Patil a/w. Mr. Amol Mhatre and Mr. Sameer Mhatre for Respondent No. 3 in WP/3192/2023.

Mr. Rajesh Kachare a/w. Mr. Amol Mhatre and Mr. Sameer Mhatre for Respondent No. 3 in WP/3192/2023 (appeared at 2.30 pm)

Digitally signed
by
RAJESHWARI
RAMESH
PILLAI
Date:
2023.03.18
17:42:52 +0530

RAJESHWARI
RAMESH
PILLAI

CORAM : R. D. DHANUKA &

GAURI GODSE, JJ.

DATED : 16 MARCH, 2023

P.C. :-

1. Rule. Learned counsel appearing for the parties waive service. Rule is made returnable forthwith.

2. By these two Writ Petitions filed under Article 226 of the Constitution of India, Petitioner seeks a Writ of Mandamus against Respondent Nos. 1 and 2 to take up the hearing of Disqualification Petition No. 1 of 2022 and Petition No. 4 of 2022 expeditiously as filed by the Petitioner on 15th December, 2022 under Section 3 of the Maharashtra Local Authority Members' Disqualification Rules, 1986.

3. Mr. Gavnekar, learned counsel for the Petitioner states that both these proceedings were directed to be heard by Respondent no. 1 on 8th March, 2023 and thereafter adjourned *sine die*. These proceedings are to be heard expeditiously and within the time prescribed under the provisions of the said Act and cannot be adjourned *sine die*.

4. We accordingly direct Respondent No. 1 to decide both the Petitions within four weeks from date of hearing of these Petitions. Parties have agreed to remain present before Respondent No. 1 on 23rd March, 2023 at 11.00 am. Respondent No. 1 to dispose of the Petitions as expeditiously as possible and in any case not later than the time prescribed under Section 8 (1-A) of the Maharashtra Local Authority Members Disqualification (Amendment) Rules, 2008. The order that would be passed by Respondent No. 1, shall be communicated to both parties within one week of passing the order.

5. This Court has not expressed any view on the rival contentions of both the parties in the said proceeding. All contentions on merits are kept open. If order is adverse, the parties are at liberty to file proceedings as may be permissible in law.

6. Writ Petitions is made absolute in the above terms. No orders as to costs.

7. Learned AGP agrees to communicate this order to Respondent No. 1 for information and compliance.

Mentioned at 2.30 pm

8. Learned counsel for Respondent No. 3 opposes the Petition on the ground that the Petitioner has no locus to file Disqualification Application before Respondent No.1.

9. It is made clear that we have not expressed any view on the merits of the Disqualification Application. All contentions on the maintainability of the said Disqualification Application as well as on merits are kept open.

(GAURI GODSE, J.)

(R. D. DHANUKA, J.)