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

WRIT PETITION NO.10869 OF 2023

Vishwas Narayan Barge ...Petitioner

V/s.

CEO Zilla Parishad, Pune & Ors. ...Respondents
& Ors.

Mr. Niranjan Mogre for Petitioner.

Mr. P.G. Sawant, AGP for Respondent Nos. 4 and 5
– State.

CORAM: MADHAV J. JAMDAR, J.

DATE: 1st September 2023

P.C.:

1. Heard Mr. Niranjan Mogre, learned Counsel appearing for the Petitioner and Mr. P.G. Sawant, learned AGP for Respondent Nos. 4 and 5 – State.

2. The Petitioner has sought following reliefs:

"(a) The Hon'ble Court be pleased to allow the application dated 29.08.2023 filed by the Petitioner in Dispute Application No.248 of 2022 and thereby stay the implementation, effect and operation of the impugned letter/communication dated 23.08.2023 until the final

adjudication of Dispute Application No.248 of 2022;

- (b) The Hon'ble Court be pleased to direct the Respondent No.4 to expeditiously decide the Dispute Application No. 248 of 2022 finally and in any case within 10 days."

3. By prayer clause (a), the Petitioner is praying that his application dated 29th August 2023 filed in Dispute Application No. 248 of 2022 pending before Respondent No. 4 – District Collector, Pune be granted. The said application is at page 37 of the Writ Petition.

4. By the said application, a request is made to cancel/ stay the election of Sarpanch and Up-Sarpanch of Gram Panchayat, Chimbli, Taluka Khed, District Pune till the disposal of the said Dispute Application No. 248 of 2022. In the said application filed under Section 14(1)(J-3) of the Maharashtra Village Panchayat Act, prayer is made to remove Respondent No. 7 as Member of said Gram Panchayat and he be disqualified.

5. It is an admitted position that the said Dispute Application is still pending. The ground for disqualification/ removal is encroachment upon the Government land or public property. The District Collector, Pune has to take decision after verifying the factual position. Therefore, at this stage, the said application

filed in Dispute Application No. 248 of 2022 cannot be granted. However, Mr. Sawant, learned AGP after taking instructions from the Respondent- District Collector, Pune states that the said Dispute Application will be decided on/or before 31st October, 2023.

6. Accordingly, the Writ Petition is disposed of in above terms with no order as to costs.

(MADHAV J. JAMDAR, J.)