



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.4900/2023

Rupali Amarkumar Ingle,
aged about 30 Yrs., Occ. Household,
R/o Kaheri Sarap, Tq. Barshitakli,
Dist. Akola.

... Petitioner

- Versus -

1. State of Maharashtra,
through Secretary, Ministry of
Rural Development, Mantralaya,
Mumbai.
2. Atul Nagorao Nikole,
aged about 31 Yrs., Occ. Agriculturist,
R/o Kanheri Sarap, Tq. Barshitakli,
Dist. Akola.
3. Village Development Officer,
Gram Panchayat Kanheri Sarap,
Tq. Barshitakli, Dist. Akola.
4. Block Development Officer,
Panchayat Samiti, Barshitakli,
Tq. Barshitakli, Dist. Akola.
5. Chief Executive Officer,
Zilla Parishad, Akola,
Dist. Akola.
6. Additional Commissioner,
Amravati Division, Amravati.

... Respondents

Mr. M.G. Sarda, Counsel for the Petitioner.

Mr. A.M. Deshpande, In-charge Government Pleader for
Respondent Nos.1 and 6.

Mr. Ram D. Karode, Counsel for Respondent No.2.

CORAM: A.S. CHANDURKAR & MRS. VRUSHALI V. JOSHI, JJ.

DATE : 24.8.2023

ORAL JUDGMENT (Per A.S. Chandurkar, J.)

Heard. **Rule.** Rule made returnable forthwith.

Heard finally by consent of learned counsel for the parties.

2. The challenge raised in the present writ petition is to the order dated 30.6.2023 passed by the Divisional Commissioner in proceedings under Section 39(1) of the Maharashtra Village Panchayats Act, 1959. By the said order, the petitioner has been held disqualified to hold the post of Sarpanch. The petitioner has challenged the said order before the State Government in proceedings under Section 39(3) of the said Act.

Along with the said appeal, an application for stay was also being preferred. Since no orders were passed on the said application present writ petition has been preferred. According to the learned counsel for the petitioner the post of Sarpanch that has fallen vacant by the removal of the petitioner is sought to be filled in by holding elections on 24.8.2023.

3. On hearing the learned counsel for the parties we find that as petitioner's appeal under Section 39(3) is pending before the State Government, the interest of justice would be served by passing the following order:-

(i) The State Government shall decide the aforesaid appeal filed under Section 39(3) of the said Act by 30.9.2023. The appeal be decided on its own merits and in accordance with law. The elections to be held on 24.8.2023 and the results thereof would be subject to final outcome of the appeal preferred by the petitioner. Said fact be made known to the candidates who would

be contesting the said elections. Keeping all points raised open, writ petition is disposed of.

(ii) The learned counsel for the parties undertake to appear before the Secretary, Rural Development Department on 29.8.2023.

(iii) An authenticated copy of the judgment be given to the learned counsel for the parties.

(MRS. VRUSHALI V. JOSHI, J.)

(A.S. CHANDURKAR, J.)