



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 963 OF 2024

Ashabai w/o. Hanumant Jondhale,
Age 48 years, Occu. Household and social service,
R/o. Shivapur, Post Kokangaon, Tq. Sangamner,
District Ahmednagar .. Petitioner

Versus

1. The Additional Commissioner,
Nashik Division, Nashik
2. The Collector, Ahmednagar,
Taluka and District Ahmednagar
3. The Block Development Officer,
Panchayat Samitee, Sangamner,
District Ahmednagar
4. The Village Development Officer/Gramsevak,
Gram Panchayat, Kokangaon/Shivapur,
Tq. Sangamner, Dist. Ahmednagar
5. Sanjana Machindra Pawar, Age 35 years,
6. Deelip Annasaheb Jondhale, Age 42 years,
7. Radhika Balasaheb Pawar, Age 35 years,
8. Mangal Anil Jondhale, Age 38 years,
9. Kailas Bansi Pawar, Age 48 years,
10. Vanita Ghansham Bhosale, Age 34 years,
11. Arun Januku Jondhale, Age 53 years,
Respondent No.5 to 11 R/o. Kokangaon,
Tq. Sangamner, District Ahmednagar
12. The Hon'ble Minister for Revenue,
Maharashtra State, Mumbai .. Respondents
(R/No.12 Deleted, As per Order dated 23.1.2024)

Mr. R. N. Dhorde, Senior Advocate along with Mr. P. S. Dighe,
Advocate instructed by Mr. V. R. Dhorde, Advocate;

Mr. A. S. Shinde, A.G.P. for Respondents No.1 and 2;

Mr. Anuj A. Fulpagar, Advocate for Respondent No.6/Caveator

CORAM : S. G. MEHARE, J.

DATE : 23-01-2024

PER COURT :-

1. Heard the learned counsel for the petitioner.
2. Leave granted to delete respondent No.12. Amendment be carried out forthwith.
3. Issue notice to the respondents.
4. Learned A.G.P. waives service of notice for respondents No.1 and 2. Mr. Fulpagar, learned counsel waives service of notice for respondent No.6/caveator.
5. Respondent No.6 is contesting party, who has been protecting the interest of the remaining respondents, who are members of the village panchayat.
6. A short point is involved in this petition, whether the stay to the impugned order pending before respondent No.1/the Additional Commissioner, Nashik, should be continued.
7. The members of Village Panchayat Kokangaon, Taluka Sangamner instead of working together to the development of the village, seems to be active in taking the actions against each other. The proceeding was preferred by the petitioner before this

petition against her so-called resignation. That matter also came up to this Court and this Court had granted the stay. Thereafter, a separate proceeding under Section 16 of the Maharashtra Village Panchayats Act (for short, "the Act"), for disqualification was filed. The stay application was preferred on 16.12.2022. Thereafter, on 23.08.2023, a petition under Section 14(1)(h) of the Act, for default in paying the village panchayat tax was preferred. The Collector decided the stay petition on 11.12.2023 against the present petitioner and declared her disqualified as member of village panchayat.

8. Against the said order, the appeal was preferred before the Additional Commissioner, Nashik Division. He granted interim stay and listed the matter on 12.01.2024. The matter was heard. However, the Additional Commissioner, Nashik refused the stay to the petitioner and listed the matter for hearing on 14.02.2024.

9. The contention of the learned counsel for the petitioner is that the appellate authority is working under the influence of Minister. In fact, the demand notice of house tax was never served upon the husband of the petitioner. However, when he learnt about the activities of the respondents, he paid the house taxes. It has been vehemently argued that due to political interference such electric speed order has been passed.

10. The learned counsel for respondent No.6, on instructions,

submits that recently the Administrator has been appointed and he took the charge. Mr. Dhorde, learned senior counsel strongly opposed the statement made by the learned counsel for respondent No.6 and made a statement that yesterday was a holiday and till today no charge has been handed over by her to the Administrator.

11. It is a short matter of stay. The Additional Commissioner had granted interim stay. However, he refused to grant stay by impugned order. The matter was listed in February 2024. Instead of making comment on the dispute, this Court is of the opinion that it would be appropriate to direct respondent No.1/the Additional Collector, Nashik Division, Nashik to hear the petitioner on 09.02.2024 and decide the appeal on merit according to the law. The dispute about the appointment of Administrator would be subject to handing over the charge. Hence, the order;

ORDER

- i) Writ petition is allowed.
- ii) The impugned order dated 16.01.2024 passed by the respondent No.1/ the Additional Commissioner, Nashik Division, Nashik, in Gram Panchayat Appeal No.175 of 2023, is quashed and set aside.
- iii) The interim stay granted to the petitioner would continue till the conclusion of the appeal.

- iv) Both parties should co-operate with the authority for getting the matter decided finally.
- v) Both parties should appear before the appellate Court on 09.02.2023.
- vi) The petitioner be allowed to continue as Sarpanch, if she has not handed over the charge to the Administrator.

(S. G. MEHARE)
JUDGE

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