



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

**WRIT PETITION NO. 9618 OF 2024
WITH
CIVIL APPLICATION STAMP NO.24984 OF 2024**

**SUHAS VECHYA NAIK AND OTHERS
VERSUS
THE DIVISIONAL COMMISSIONER NASHIK AND OTHERS**

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Mr. D. S. Bagul, Advocate for the Petitioners
Ms Neha Kamble, AGP for the Respondent – State
Mr. P. S. Patil, Advocate for Zilla Parishad, Nandurbar
Mr. V. D. Salunke, Advocate for Applicant/intervenor

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 06.09.2024

PER COURT :-

1. The three Petitioners, out of the 26 Applicants before the Divisional Commissioner, Nashik in Appeal under Section 267(A) of the Maharashtra Zilla Parishad and Panchayat Samitis Act, submit that a prayer for interim protection at Clause C below paragraph 22, is specifically put forth before the Divisional Commissioner. The Petitioners desire that the Commissioner should deal with the said interim prayer.

2. Shri V. D. Salunke and Shri P. S. Patil, the learned Advocates, point out that the Deputy Commissioner from the office of the Divisional Commissioner, Nashik has issued a communication dated 04.09.2024, addressed to the Chief Executive Officer, Zilla Parishad, Nandurbar, for submitting a detailed opinion/report within seven days.

3. As such, the said opinion will have to be filed by 12.09.2024. Thereafter, a hearing on the Application can be commenced.

4. Shri Salunke, the learned Advocate submits that none of the majority members who have passed the particular resolution by majority, have been arrayed as Respondents before this Court. So also, they have not been arrayed as Respondents before the Divisional Commissioner.

5. We would not go into the above aspect, since we are not entertaining the Petition at this stage. As the Divisional Commissioner has called for a report, we would expect the Chief Executive Officer, Zilla Parishad to ensure that the report is placed before the Commissioner, on 12.09.2024. The Divisional Commissioner would

thereafter proceed to deal with the Appeal by following the due procedure laid down in law.

6. We expect the Divisional Commissioner to deal with the Appeal with promptitude and without any unnecessary delay. Moreover, we expect the authority to deal with the interim prayer, expeditiously. All contentions of the litigating parties are kept open.

7. With the above directions, **this Writ Petition is disposed off.**

8. Pending **Civil Application is disposed off.**

[Y. G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]

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