

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

WRIT PETITION NO.17301 OF 2024

Prakash Dinkar Jadhav .. Petitioner
Vs.
The State of Maharashtra,
Through Rural Development Department and Ors. .. Respondents

Mr. Pradeep Gole with Mr. Suraj Shejwal, Advocates for the Petitioner.

Mrs. M.S. Srivastava, Assistant Government Pleader for the Respondent-
State of Maharashtra.

**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 5TH DECEMBER 2024.

PC. :

1. The only relief sought by the petitioner is for a direction to be issued to the Appellate Authority – State Government to consider the prayer for grant of interim relief in the Appeal preferred by the petitioner for challenging the order dated 8th October 2024 passed by the Divisional Commissioner, Pune Division. By this order, the petitioner has been removed from the post of “Sarpanch” under Section 39(1) of the Maharashtra Village Panchayats Act, 1958. Being aggrieved, the petitioner has challenged that order by filing an Appeal.

2. Considering the nature of directions proposed to be issued, notice to respondent nos.5 to 15 is dispensed with.

3. The learned counsel for the petitioner submits that pursuant to the order passed by the Divisional Commissioner, steps have been taken to fill in the vacancy caused by the removal of the petitioner. On 6th November 2024, the Collector has directed the Tahsildar to take steps in that regard. The petitioner therefore prays that the stay application that has been preferred along with the Appeal that was filed on 14th November 2024 be directed to be decided.

4. In aforesaid facts, the following directions would serve the ends of justice :-

- (a) The stay application preferred by the petitioner shall be considered by the respondent no.1 in accordance with law and after hearing all parties within a period of six weeks of receipt of copy of this order.
- (b) Any steps taken for filling in the vacancy caused by the removal of the petitioner shall be subject to outcome of the pending Appeal.
- (c) It is clarified that all points raised on merits are kept open.

5. The writ petition is disposed of with aforesaid directions. No costs.

6. Parties to act on authenticated copy of this order.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]