

Shabnoor

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

WRIT PETITION NO.4164 OF 2024

Swati Someshwar Devkar

... Petitioner

V/s.

State of Maharashtra

Through Ministry of Rural Development

And Gramvikas & Ors

... Respondents

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Mr. Rahul Shivaji Kadam, for Petitioner.

Mr. Bhalchandra Shinde i/by Mr. Sohel Ayub Mujawar,
for Respondent No.5.

Mr. J. P. Patil, AGP for State/Respondent Nos.1 to 4.

CORAM : AMIT BORKAR, J.**DATED : MARCH 20, 2024****P.C.:**

1. Respondent No.5 was disqualified under Section 39 of the Maharashtra Village Panchayats Act, 1958 by order dated 12 October 2023. In a meeting held on 11 December 2023, the petitioner was elected as Sarpanch. She thereafter started functioning as Sarpanch. However, by the impugned order, the Minister has granted stay to the order dated 12 October 2023.

2. Since, the petitioner was already elected as Sarpanch and she started functioning as Sarpanch, the Minister could not have granted stay to the order of disqualification. Hence, the impugned order cannot be sustained. The order dated 16 February 2024 is

quashed and set aside.

3. However, it will be open for the Minister to decide the Appeal on its own merits after giving opportunity to both sides. The Minister shall decide the Appeal expeditiously.

4. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)