



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

WRIT PETITION NO. 261/2024

(PURNIMA SANDEEP RAJURKAR **VERSUS** THE STATE OF MAHARASHTRA & OTHERS)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri Gaurav Bhake, counsel for the petitioner.

Shri A.M. Deshpande, In-Charge Government Pleader for the respondent nos.1 and 2.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : JANUARY 12, 2024.

The petitioner, a Sarpanch, is disqualified *vide* impugned order dated September 12, 2023 as in the meeting of the Gram Panchayat, the husband of the petitioner had assaulted one of the Gram Panchayat member. The Additional Commissioner, Amravati accordingly in exercise of the powers under the provisions of Section 39(1) of the Maharashtra Gram Panchayat Act, 1959 permitted an enquiry to be caused and further directed the disqualification of the petitioner. Against the said order of disqualification, the petitioner has preferred an appeal alongwith the application for stay, which proceedings are stated to be pending with the State Government.

2. In the aforesaid background, it is claimed that fresh election to the post of Sarpanch which is scheduled tomorrow be stayed until further orders.

3. We see no reason to cause stay to the election to the post of Sarpanch as the election to the post of Sarpanch can always be made subject to the final outcome of the appeal pending with the State Government.

4. In the aforesaid backdrop, as the appeal and the stay application are stated to be pending with the State Government, we deem it appropriate to direct the State Government to decide the appeal as expeditiously as possible and preferably within a period of three months from today. We direct that the election to the post of Sarpanch would be subject to the final outcome of the appeal pending with the State Government.

5. With aforesaid directions, the writ petition stands disposed of. No costs.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

APTE