



(1)

910 wp 1390.24

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

WRIT PETITION NO. 1390 OF 2024

Sau. Pratima w/o Laxman Chavan Vs. The Hon'ble Minister, Rural
Development, Mumbai and others

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

Court's or Judge's orders

Mr. A.V. Band, Advocate for petitioner.
Ms. N.P.Mehta, Addl. GP for respondent nos.1 and 2.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.
DATED : FEBRUARY 28, 2024.

1. Heard.
2. Issue notice to the respondents, returnable on 11th March, 2024.
3. Ms. Mehta, learned AGP waives notice on behalf of the respondent nos.1 and 2.
4. In view of the pendency of appeal before the State Government, it was directed that the same to be decided expeditiously by this Court vide order dated 7th February, 2024. Since neither the appeal is decided nor the stay application, we deem it appropriate to direct the respondent/Authority not to declare the result of the election for the post of Sarpanch without leave of the Court.
5. Above interim order is passed keeping in mind the violation of statutory right of the petitioner as it is demonstrated that the enquiry report relied upon for disqualifying the petitioner was not carried out by the C.E.O. of Zilla Parishad but has relied on the enquiry conducted by his subordinate officer, which is contrary to provisions of Section 39 of the Maharashtra Village Panchayat Act.
6. The learned Additional Government Pleader shall forthwith communicate this order to the concerned Authority.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)