



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

40 WRIT PETITION NO. 2132 OF 2025

Sanjay Shrinivas Jadhav

VERSUS

The State Of Maharashtra Through Its Secretary And Others

...

Mr.Yogesh C. Patil, Advocate for the Petitioner.

Mr. K. N. Lokhande, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 18th FEBRUARY 2025

PC :-

1. Heard the learned Advocate for the petitioner.
2. A challenge in this writ petition is to an order dated 30th December 2024 passed by the learned Divisional Commissioner, Aurangabad granting stay to the judgment and order dated 28th November 2024 passed by the learned District Collector in dispute filed by the petitioner.
3. The learned District Collector has allowed the dispute filed by the petitioner and held that the Respondent No.4 is disqualified to become a member of the Village Panchayat on the ground under Section 14(1)(J-3) of the Maharashtra Village Panchayat Act, 1958.

4. The respondent No.4 filed an appeal challenging the judgment passed by the learned District Collector alongwith an application seeking stay to the judgment and order passed by the learned Collector.

5. Learned Advocate for the petitioner submits that there are two reports prepared and filed by the Block Development Officer showing that there is an encroachment committed by uncle-in-law of the respondent No.4. The learned Commissioner *prima facie* considered that the matter requires consideration and scrutiny. On this, the application for stay is allowed. Again a report is called from the learned Collector as regards alleged encroachment.

6. This Court does not find any case to interfere with the said order. The order of grant of stay is discretionary order and is passed on *prima facie* satisfaction of the authority. Needless, it is pointed out that the said order is totally perverse.

7. Considering above, this Court is not inclined to interfere with this writ petition. Writ petition stands dismissed. No order as to costs.

8. The learned Commissioner to decide the appeal as early as possible and preferably within three months from today.

[KISHORE C. SANT, J.]