

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8515 OF 2025

Dayanand Bapurao Jadhav

VERSUS

Pralhad Govind Janmale And Others

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Advocate for the Petitioner : Mr. Apparao Bhimrao Kharosekar

AGP for Respondent/State : Mr. D.R. Korade

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : JULY 15, 2025

PER COURT :-

1. Present petition takes exception to order dated 29.05.2025 passed by learned Divisional Commissioner, Aurangabad in Appeal No.2024/Grampanchayat/Appeal.1/Case No.40 by which order of disqualification passed against respondent/Sarpanch by learned District Collector, Latur has been stayed.
2. Mr. Kharosekar, learned advocate appearing for petitioner vehemently submits that there is ample evidence on record to show that respondent/Sarpanch has encroached upon government land. He submits that respondent has constructed a house on gairan land. The entry recording such encroachment is in Village Panchayat record as well as in report submitted by Gram Sevak.
3. Perusal of impugned order shows that on *prima facie* consideration of material on record and reasons as adopted by learned District Collector, the learned Divisional Commissioner has

granted interim stay to order of disqualification passed by learned Collector and posted substantive appeal for hearing on 18.08.2025.

4. It is trite that when substantive appeal is filed under statutory provision impugning order passed by authority, the appellate authority has every power to stay execution of proceeding. However, it is expected that in such cases, appeal is heard expeditiously without making further delay. In this case, impugned order shows that hearing of appeal is already fixed on 18.08.2025. Therefore, this Court deems it appropriate to dispose of this writ petition without entering into merit with direction to learned Divisional Commissioner to consider and decide the appeal on the given date without entertaining the application for adjournment on any count.

5. Writ Petition stands disposed of in aforesaid terms.

(S.G. CHAPALGAONKAR, J.)