

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8566 OF 2025

Shobhabai Ashok Jadhav

VERSUS

The State Of Maharashtra And Others

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Advocate for the Petitioner : Mr. Gore Ravindra Vitthal

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

Advocate for Respondent No.9 : Mr. Arvind R. Kawade

...

CORAM : S. G. CHAPALGAONKAR, J.

DATED : JULY 15, 2025

PER COURT :-

1. Heard learned advocates appearing for respective parties.
2. Mr. Gore, learned advocate appearing for petitioner seeks permission to delete respondent no.2. Leave granted.
3. Mr. Gore, learned advocate appearing for petitioner submits that the petitioner/Sarpanch has been disqualified in exercise of powers conferred under Section 39(1) of Maharashtra Village Panchayat Act vide order dated 29.05.2025 passed by Divisional Commissioner, Chhatrapati Sambhajinagar. He submits that petitioner filed appeal impugning the order of disqualification on 11.06.2025. The said appeal is pending before Hon'ble Minister. Mr. Gore submits that on 26.06.2025 as well as on 11.07.2025, petitioner personally appeared before Hon'ble Minister and pressed for grant of stay and also filed written applications in this regard. However, without taking

his appeal or application for consideration, now the respondent/authorities are making haste to take charge of Sarpanch from petitioner.

4. Per contra, Mr. Kawade, learned advocate appearing for respondent no.9 and learned AGP submits that the charge is already handed over to new Sarpanch during monthly meeting dated 27.06.2025 and petitioner was served with the notice of meeting before handing over the charge.

5. Considering submissions advanced, it can be observed that when petitioner has filed substantive statutory appeal before Hon'ble Minister assailing disqualification order, it was necessary to take up the appeal for hearing or atleast the application seeking stay to order and pass appropriate orders after considering rival submissions. In this case, neither the appeal is taken up for hearing nor prayers in application for grant of stay are considered and on other hand, order under appeal is sought to be implemented.

6. In this background, issue notice to respondents, returnable on 12.08.2025. Learned AGP waives notice to respondent nos.1, 3 and 4. Mr. Kawade waives notice for respondent no.9.

7. Till returnable date, there shall be ad-interim relief in terms of prayer clause (D).

8. However, it is made clear that issuance of notice in stay petition or interim orders shall not be impediment for Hon'ble

(3)

Minister to decide pending appeal on its own merit. If parties co-operate, such appeal be decided within a period of one month from today.

(S.G. CHAPALGAONKAR, J.)

Mujaheed//