

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 17025 OF 2024

Areef Gaphur Maniyar

.. Petitioner

Versus

1. The District Collector,
Office of District Collector, Raigad at Alibag &
Ors.
2. Pali Nagar Panchayat
3. Pranali Nishikant Patil
4. The State of Maharashtra
5. The Hon'ble Minister,
Public Works Department

.. Respondents

WITH

WRIT PETITION NO. 16262 OF 2024

Areef Gaphur Maniyar

.. Petitioner

Versus

1. The District Collector,
Office of District Collector, Raigad at Alibag &
Ors.
2. Pali Nagar Panchayat
3. Vinayak Vithal Jadhav
4. The State of Maharashtra
5. The Hon'ble Minister,
Public Works Department

.. Respondents

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- Mr. C.G. Gavnekar a/w Mr. Ashutosh Gavnekar & Mr. Rohit Parab,
Advocates for Petitioner in both the Petitions
- Dr. Dhruvi Kapadia, AGP for Respondent Nos. 1, 4 & 5
- Mr. Surel Shah, Senior Advocate a/w Mr. Suhas S. Deokar,
Advocates for Respondent No. 3 in both the Petitions

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CORAM : MILIND N. JADHAV, J.

DATE : JULY 2, 2025

P.C.:

1. Heard Mr. Gavnekar, learned Advocate for Petitioner; Mr. Shah, learned Senior Advocate for Respondent No. 3 and Dr. Kapadia, learned AGP for Respondent Nos. 1, 4 & 5 in both Petitions.
2. Both Writ Petitions are heard together and disposed of by this common order as they pertain to the same election and bear identical facts. Respondent No. 3 in both Petitions are different and are the principal contesting parties. They were duly elected on the ticket of political party - Peasants and Worker Party. Charge against them is that both of them defied the party whip and voted against the said whip. Petitioner being the Gut Neta of the political party filed two separate Disqualification Petitions seeking their disqualification. By separate orders both dated 04.08.2023, Respondent No 1 - District Collector allowed both Disqualification Petitions. However in appeal both orders are set aside by Respondent No. 5 - Hon'ble Minister, Public Works Department (Public Undertaking) Mantralaya, Mumbai by passing two separate orders which are impugned in the Petitions.
3. However save and except the name of Respondent No.3 all other facts are absolutely identical. Hence all reference herein below be understood to be in both Petitions.

4. Petitions challenge impugned orders dated 08.10.2024 passed by Respondent No. 5 - Hon'ble Minister, Public Works Department (Public Undertaking) Mantralaya, Mumbai. By virtue of the impugned orders, Appeal filed by both Respondent No. 3 dated 04.08.2023 against their respective disqualification was allowed. Being aggrieved Writ Petitions are filed by the Original Applicant.

4.1. Notification dated 25.02.2022 declared the list of Councilors elected on the nomination of political parties along with name of their Gut Neta. Petitioner was nominated to contest election for President of Pali Nagar Panchayat on 14.12.2022. Petitioner, Respondent No. 3 and two more candidates nominated by Peasants and Workers Party were elected members and another independent member namely Parag Vijay Mehta elected as independent joined the said group and formed a group after elections of which Petitioner was elected as Gut Neta as provided under the Maharashtra Local Authority Members' Disqualification Act, 1986 (for short "**Disqualification Act**") and the Rules framed thereunder. Since Petitioner was nominated to contest election for President, the political party i.e. Peasants and Workers Party issued a whip to its elected members to vote for the Petitioner. Said whip was duly served on Respondent No. 3 by appropriate modes as provided.

4.2. Dispute raised by Respondent No. 3 is with respect to non-service of the whip on both Respondent No. 3 and non-following the prescribed procedure of service.

4.3. Petitioner's case is that on the date of election of President i.e. 14.12.2022 in spite of notice issued to both Respondent No. 3, in breach of the party's whip Respondent No.3 in Writ Petition No. 17025 of 2024 filled her nomination for the post of President and voted for herself and was elected as President of Respondent No. 2 Nagar Panchayat. Similarly Respondent No.3 in Writ Petition No. 16262 of 2024 voted against the whip. Petitioner's grievance is that despite the Returning Officer having noted service of whip on both Respondent No. 3 to vote for Petitioner, both Respondent No 3 did not obey the whip. Hence in view of violation of the whip both Respondent No. 3 were liable for disqualification and therefore at the instance of the political party i.e. Peasants & Workers Part Petitioner filed two Disqualification Petitions against both Respondent No. 3 before District Collector, Raigad as prescribed under the Disqualification Act and the Rules framed thereunder. Disqualification Petitions were nomenclatured as Petition No. 4/2022 and 3/2022 along with said Petitions, Petitioner filed Interim Applications seeking restraint on Respondent No. 3 from exercising their right as member of Respondent No. 2 Nagar Panchayat. Since there was delay in

processing and hearing the Disqualification Petitions, Petitioner being aggrieved filed Writ Petition No. 3192/2023 seeking direction to Respondent No. 1 to decide the Disqualification Petitions filed by him expeditiously. This Court by common order dated 16.03.2023 directed Respondent No. 1 - District Collector to hear the Disqualification Petition and dispose of the same as expeditiously as possible and in any event not later than the time prescribed under Section 8(1-A) of the Maharashtra Local Authority Members' Disqualification (Amendment) Rules, 2008.

4.4. Respondent No. 1 District Collector heard the Disqualification Petitions and allowed the same by two separate orders dated 04.08.2023 in exercise of powers vested in Rule 8 of Disqualification Rules, 1987 thereby disqualifying Respondent No. 3 under Section 3(1)(b) of the Disqualification Act. Being aggrieved, both Respondent No. 3 filed Appeal against the orders and the Hon'ble Chief Minister / Competent Authority stayed the orders passed by Respondent No. 1 District Collector until hearing of the Appeal.

4.5. Once again Petitioner being aggrieved due to delay filed Writ Petition Nos. 10541/2023 and 10542/2023 in this Court By common order dated 03.10.2023, this Court disposed of the Writ Petitions directing the Appeal to be heard and decided preferably within a period of 16 weeks from the date of the order. Since the said timeline

proposed by Court was not adhered to, Petitioner filed Contempt Petition No. 534/2024 in this Court. Immediately thereafter Respondent No. 5 - Hon'ble Minister, Public Works Department issued notice dated 10.09.2024 for hearing of the Appeals on 18.09.2024. On 19.09.2024 Respondent No. 5 heard the Appeals and directed the parties to file their written arguments. By two separate orders dated 08.10.2024, Respondent No. 5 - Hon'ble Minister in exercise of his powers vested in him under Section 7(3) of the Disqualification Act allowed both Appeals on the ground that no documents were produced before him to establish the fact that Petitioner had issued the whip to the Respondent No. 3 in both Petitions which was violated by them as also it was not established by the Petitioner that he was nominated by the Peasants & Workers political party to contest the election as President and was elected as Gut Neta of the said party. Being aggrieved with their orders dated 08.10.2024 allowing the Appeal of Respondent No. 3 and setting aside the disqualification orders dated 04.08.2023 passed by Respondent No. 1 - District Collector, Petitioner filed the present Writ Petitions.

5. Mr. Gavnekar, learned Advocate for Petitioner would submit that the impugned orders passed by Respondent No. 5 Hon'ble Minister in Appeal suffer for an error apparent on the face of record in as much as in exercise of Appellate jurisdiction under the Disqualification Act

exercised by Respondent No.5, the Appellate authority could not have sought production of original documents and reversed the Disqualification order since the original documents which were already on record before the District Collector and were reflected in the Disqualification order. He would submit that without adhering to the documents which were already on record itself, an incorrect and wrong finding is returned by Respondent No. 5 holding that none of the documents are on record. He would submit that the second reason returned in the impugned order is that no documents were produced on record to establish that Petitioner and Respondent No. 3 had contested the election after being nominated by the Peasants & Workers Party. This reasoning is untenable since the same was never in question before the Competent Authority i.e. District Collector when the Disqualification Petition was heard. Rather he would submit that District Collector by notification dated 25.02.2022 published the list of candidates and the name of Gut Neta of the Petitioner which was in the public domain and it was an admitted position that both Respondent No. 3 had contested the election as nominee of the PWD which was accepted by them. The only controversy related to service and receipt of which by both the Respondent No. 3 was denied by them. Therefore the findings returned by Respondent No. 5 on this

aspect suffer from complete non-application of mind and is perverse on the face of record and deserves to be set aside.

5.1. He would submit that Respondent No. 1 - District Collector while passing the disqualification order dated 04.08.2023 in paragraph 7 returned a finding that the whip issued by Petitioner dated 09.12.2022 was sent by Whatsapp, registered AD and was published in the daily newspapers and in fact the said Whatsapp message was served on Respondent No. 3 during the meeting held before the District Collector. He would submit that order dated 04.08.2023 passed by the District Collector *prima facie* upholds the fact that Petitioner was duly elected as Gut Neta on the basis of admitted documentary evidence and the said fact never in dispute and therefore the impugned order passed by Respondent No. 5 holding that there was no proof to establish that Petitioner was elected as Gut Neta of the Peasants and Workers Party suffers from a clean error apparent on the face of record and hence the said order deserves to be set aside.

5.2. He would submit that once the District Collector has returned a clear finding that the Disqualification Petition was duly served upon both Respondent No. 3 by following the procedure prescribed under the Disqualification Act, there was no reason for the Appellate Authority to disbelieve the same by *prima facie* making an innocuous

observation that no material was placed on record to prove the same. He would submit that once there is a clear finding returned by the District Collector that the whip was issued upon both Respondent No. 3 and they violated the said whip and acted to the contrary, then in that event, the sequitur was that they incurred disqualification and therefore the Disqualification Petition was allowed by the District Collector. He would submit that in the previous round of litigation i.e Writ Petition No. 10541/2023 and 10542/2023 filed by Petitioner challenging the order dated 09.08.2023, affidavit in reply was filed on behalf of the State Government dated 27.09.2023 through the Deputy Secretary to Government of Maharashtra, Urban Department, Mantralaya. In paragraph 3 of the said affidavit it was admitted that Petitioner and Respondent No 3 in the said Petition and Respondent No. 3 Vinayak Vithal Jadhav in the companion Writ Petition belonged to political party namely Peasants and Workers Party. It was further admitted that Petitioner was elected as Gut Neta of 4 elected members of the party and independent member Parag Vijay Mehta who had joined the said group. Once this was an admitted position by the State Government, there was no reason for Respondent No. 5 to return a finding and hold that no document was produced by Petitioner in respect of his contention that he was elected as Gut Neta of Peasants and Workers Party and therefore the impugned order is bad in law.

5.3. He would submit that the impugned order *prima facie* suffers from perversity in view of the fact that Respondent No. 3 after being elected as President of Respondent No. 2 Nagar Panchayat has joined the ruling political party headed by then Hon'ble Chief Minister and therefore the impugned order has been passed in complete violation of the provisions of the Disqualification Act which have been duly complied with by the District Collector while passing the order dated 04.08.2023. He would submit that in that view of the matter, the impugned order is completely unsustainable and deserves to be quashed and set aside and the order dated 04.08.2023 passed in Disqualification Petition No. 4/2022 is required to be upheld. Hence he would persuade the Court to allow the present Petition.

5.4. In support of his submissions, Mr. Gavnekar has referred to and relied upon the decision of Supreme Court in the case of ***Kedar Shashikant Deshpande etc vs. Bhor Municipal Council & Ors.***¹ and more specifically paragraph Nos. 15 & 16 of the said decisions which is reproduced herein above:-

"15. Even otherwise, the issue of disqualification cannot and should not remain undecided due to any reason whatsoever as it involves issues of public importance and not merely private rights and, therefore, this Court can itself adjudicate upon and decide the same. In Rajendra Singh Rana v. Swami Prasad Maurya & Ors. [(2007) 4 SCC 270], where the issue of disqualification of MLAs arose before this Court, the Court observed that normally the Court might not proceed to take a decision for the first time when the authority concerned has failed to do so, but if a decision by the

1 2011(1) Bom.C.R. 531

Court is warranted, for the protection of the constitutional scheme and constitutional values the Court can take a decision. In the said case 13 members of BSP who had voluntarily given up their membership of their original political party were sought to be disqualified under Para 2 of Xth Schedule to the Constitution. The claim on behalf of the MLAs sought to be disqualified and others who had gone out from BSP with them, was that the disqualification was subject to the provisions of Paras 3, 4 and 5 of the Xth Schedule and since there was a split, disqualification was not attracted. This Court proceeded to examine the question whether the 13 members were disqualified or not because if the 13 members were found to be disqualified, their further continuance in the Assembly even for a day would be illegal and unconstitutional.

16. The question whether the appellants have incurred disqualification within the meaning of provisions of the Act of 1986 read with the Rules of 1987 has been argued at length before this Court. Remitting the matter to the competent authority at this stage would result into avoidable delay. The relevant material to enable this Court to decide the issue mentioned above is already placed before this Court by the parties. Therefore, the question mentioned above is considered by this Court in detail. Under the circumstances, the plea that the Additional Collector, Pune had no jurisdiction to decide the disqualification petition filed by the respondents need not detain in this Court any further."

6. *PER CONTRA*, Mr. Shah, learned Senior Advocate appearing for Respondent No. 3 in both Petitions has made the following submissions in support of the impugned order:-

6.1. He would submit that as contended by Petitioner, no whip was issued by the political party i.e. Peasants and Workers Party as no meeting was held for issuance of such whip. He would submit that there is no documentary evidence produced on record to substantiate that any meeting was held to decide issuance of whip and therefore contention of Petition cannot be accepted that whip was issued by the Peasants and Workers Party as it is to be supported by a resolution of the party. He would submit that Petitioner also failed to prove and

establish issuance of the whip at the instance of Peasants and Workers Party by leading cogent evidence and unless and until he could have proved the same by leading evidence, his words and case cannot be accepted.

6.2. Next he would submit that both Respondent No. 3 were never informed of the whip of the party neither they were served with the notice of whip as pleaded by Petitioner. He would submit that Petitioner has not placed on record neither established service of notice upon both Respondent No. 3.

6.3. He would submit that under the Rules, there are four instances to prove service of whip namely by registered post, by public notice, by Whatsapp and during the time of voting. He would submit that documents produced by Respondent No. 1 do not include the postal acknowledgment receipt duly acknowledged by Respondent No. 3. He would submit that even assuming that by registered post service the whip served on both Respondent No. 3, but they did not claim or refuse service then in that case there would be a remark on the acknowledgment slip which was not produced. He would submit that notice by newspaper publication as pleaded by Petitioner was not within the knowledge of both Respondent No. 3 and therefore it cannot be construed as proper notice in absence of resolution and such publication cannot be held to be a valid service. He would submit that

Whatsapp message sent to Respondent No. 3 on her mobile phone does not indicate that it was actually sent to them and seen by them as the same has not been proved in accordance with law. He would express the possibility that a different number saved in the same name of of Respondent No. 3 in the mobile phone list of the Petitioner may have been used which cannot be ruled out. Insofar as disclosure of whip during the voting is concerned, he would submit that same as pleaded by Petitioner is vague without any details about the whip issued by the Peasants and Workers Party having been placed on record.

6.4. Insofar as following the prescribed procedure before the District Collector in Disqualification Petition is concerned, he would draw my attention to the provisions of Rule 7 of the Maharashtra Local Authority Members Disqualification Rules 1987. He would persuade me to consider the procedure prescribed in Rules 6 and 7 to contend that it is incumbent upon the Petitioner to lead preliminary evidence along with list of documents and witnesses by which each article of charge is proposed to be proved and sustained and it is incumbent upon the Collector to deliver a cause to the affected Councilor or member. He would submit that copy of the request of charge, statement of intimation of disqualification and list of documents and witnesses by which each article of charge is proposed to be sustained

is to be given by written notice and only then the affected Councilor / member is entitled to file written statement of his defence and to state whether he desires to be heard in person and then a trial is to take by leading evidence. He would submit that this prescribed procedure is required to be followed by the Collector even before the evidence is taken on record in trial / enquiry which has not been done in the present case by the District Collector while deciding the Disqualification Petitions. He would therefore submit that non-compliance of Rule 7 which is a mandatory provision would vitiate the inquiry conducted by the Collector in the Disqualification Petitions and the same has therefore rightly being quashed and set aside by the Appellate Authority by virtue of the impugned order.

6.5. He would submit that the decision relied upon by Mr. Gavnekar in the case of *Kedar Shashikant Deshpande (1st supra)* is delivered on the basis of admitted facts. Hence it cannot be made applicable.

6.6. In support of his submissions and case he has referred to and relied upon the decision of this Court in the case of ***Malti Rajesh Yawalkar & Anr. v. Sagar Raghunathrao Kautkar & Ors.***² to contend that violation of Rules 6 and 7 would render the order passed by the Collector illegal. It is held that the provision of Act of 1986 and Rules of 1987 are mandatory and strict compliance is necessary as held in

2 2010 (1) Bom.C.R. 117

paragraph No. 17 of the said decision. In paragraph No.18 it is also held that order passed by the Collector by mere reference to evidence tendered by the Petitioner without discussing any evidence while rendering the findings and without recording any reason for doing so is bad in law.

6.7. Next he has referred to and relied upon the decision in the case of *Sadashiv H. Patil v. Vithal D. Teke & Ors*³ and to paragraph No. 9 of the decision wherein it is stated that the fact in issue shall have to be proven to the satisfaction of the Collector by dealing with such reference under Section 7 of the Act of 1986 read with Rules 6, 7 and 8 of the Rules of 1987.

7. By order dated 11.06.2025, the Collector was directed to place on record the documents (from अ to क at page Nos. 77 and 78) supported by an affidavit which are referred to in the Collector's order through the learned AGP. Pursuant thereto, learned AGP has filed a detailed affidavit in reply dated 15.06.2025 on behalf of Respondent Nos. 1, 4 and 5 verified by the Sub Divisional Officer, Roha Sub Division, District Raigad through which entire documentary evidence available before the Collector at the time of hearing of the Disqualification Petitions is placed on record before me.

3 (2000) 8 SCC 82

8. I have heard the learned Advocates appearing for the respective parties and with their able assistance perused the record of the case. Submissions made by the learned Advocates have received due consideration of Court.

9. In the present case it is seen that Petitioner and Respondent No. 3 in both Petitions were elected as Councilors in Respondent No. 2 Nagar Panchayat. It is seen that on 01.12.2022 notice was issued by Respondent No. 1 conveying meeting of Respondent No. 2 - Nagar Panchayat on 14.12.2022 to elect the President of Respondent No. 2. It is thereafter seen that on 09.12.2022 members of Peasants and Workers Party issued a whip signed by the District Secretary. Filing of the said whip before the Collector is duly confirmed in the affidavit filed by SDO on behalf of Respondent Nos. 1, 4 and 5 in the present Petition and copy of the said whip is appended at page Nos. 121 onwards. Copy of whip issued to Respondent No. 3 in both Petitions is appended at page Nos. 124 and 125 of the reply of SDO. Thereafter it is seen that on 09.12.2022 Petitioner as Gut Neta issued whip, copy of which is appended at page No. 126 of the reply affidavit. On 10.12.2022 postal receipts of service effected through RPAD by Petitioner were placed on record before the District Collector which are also placed on record by the SDO in its reply from page No. 127 onwards. Argument of Mr. Shah, learned Senior Advocate for both

Respondent No. 3 is that the said postal receipts do not show that the whip was delivered to Respondent No. 3 as their acknowledgments are not produced. His next argument in the same breath is that neither both Respondent No.3 were aware about the publication of the whip, about the whatsapp service on their own mobile phones and even on the date of election they attended the voting but were not informed about the whip being filed by the District Collector. This argument of Mr. Shah cannot be countenanced or sustained primarily in view of the fact that it is not open to Respondent No 3 to contend such ground because on 14.12.2022 in the proceedings held before the Presiding Officer namely the SDO, Roha, Petitioner was elected as Gut Neta of the Peasants and Workers Party and the whip was declared and served / informed to the members present including both Respondent No. 3. That is appended at page Nos. 142-145 of the reply. Once that is the position, it cannot lie in the mouth of both Respondent No. 3 to contend that they were not aware about the whip issued by the party since the name of both Respondent No. 3 appears in the list of candidates who attended the meeting on 14.12.2022. That apart even before 14.12.2022, news paper publication of the whip by the political party and Petitioner as Gut Neta was duly made in two local newspapers i.e. Dainik Krushival, Raigad and Sakal, copies of which are also appended specifically ensuring that the said notice was

addressed to Respondent No. 3 in both the Petitions by name, *inter alia*, pertaining to the whip (पञ्चादेश) as stated therein. Feigning ignorance that Respondent No. 3 were not aware about the same cannot be countenanced as a valid argument.

10. That apart the whip sent on / as Whatsapp message was sent to both Respondent No. 3 on 11.12.2022 copy of which is appended at page No. 141 of the reply. That cannot be disregarded. The excuse made by both Respondent No. 3 through their Advocate as noted above in the submissions is *prima facie* a lame excuse and cannot be countenanced at all.

11. The submissions made by Mr. Shah that in terms of Rules 6 and 7, there has to be a preliminary inquiry that has to be held first to determine the charge on the basis of evidence and only thereafter the final inquiry is to be held under Rule 7 is not correct proposition argued by him. In the present case the inquiry held before the District Collector as seen from the disqualification orders dated 04.08.2023 *prima facie* considers entire documentary placed before the District Collector which finds not only mention in the order dated 04.08.2023 but he has also dealt with the same and followed the procedure prescribed under Rule. 7. Once the District Collector has considered and adjudicated upon the same, the impugned order by the State which holds that no documentary evidence was placed on record

cannot be sustained. The impugned order therefore suffers from gross infirmities and is clearly unacceptable in the above facts of the present case.

12. The issue of disqualification involves the issue of public importance and not merely private rights and therefore it is ensured that such issues shall be decided and adjudicated upon as expeditiously as possible. The facts in the present case, *inter alia*, pertaining to the Petitioner and both Respondent No. 3 are in a narrow compass. The case pleaded revolves around denial of Respondent No. 3 of having been aware of the whip. If that be the case then on the date of meeting to elect the President of Respondent No. 2 i.e. on 14.12.2022, it is seen that both Respondent No. 3 have appeared despite which they defied the whip which was issued and Respondent No.3 in Writ Petition No. 17025/2024 voted for herself as the President. Once it is admitted fact that Respondent No. 3 was duly elected on the ticket of the Peasants and Workers Party, it was improbable for her to have defied the party whip and voted against the whip issued to her. Insofar as denial of having knowledge about the whip is concerned, I am not inclined to accept the submissions advanced on behalf of both Respondent No 3 in view of the overwhelming evidence which has been placed on record in the form of documentary evidence which is duly considered by the District

Collector while determining the Disqualification Petition by order dated 04.08.2023. Mere reading of the said Disqualification orders *prima facie* show that said orders have been passed after following the due process of law and after giving adequate and ample opportunity to Respondent No 3 to prove its case. Both Respondent No. 3 have also been successful in protracting the hearing of the Disqualification Petitions and the Appeal over a substantial period of time. Equally Petitioner has duly proved his case in accordance with the said Act read with the said Rules. Insistence of both Respondent No 3 that procedure followed by the District Collector was not in accordance with the procedure prescribed under Rules 6 and 7 cannot be countenanced as record placed before the Court has clearly established that though the said whip was duly issued and served on Respondent No. 3 as also the said whip was duly published in the newspapers and served by Whatsapp and accordingly declared on the date of the meeting itself when it was disclosed that Petitioner was elected as Gut Neta of the Peasants and Workers Party, there can be no reason to disbelieve the overwhelming documentary evidence placed on record to the contrary. The submissions, of both Respondent No 3 that Rules contemplate completion of preliminary inquiry and thereafter final inquiry under Rules 6 and 7 in two stages cannot be countenanced. Disqualification Petitions have been rightly allowed

and the impugned orders passed by the Appellate Authority Respondent No. 5 suffer from clear infirmities in law as also on facts. Resultantly both Petitions succeed.

13. In view of my above observations and findings, both impugned orders dated 08.10.2024 passed in MUN-2023/PRA.KRA.73/NAVI-15 and MUN-2023/PRA.KRA.74/NAVI-15 are quashed and set aside. As a result, the Disqualification Petition Nos. 4/2022 and 3/2022 are allowed. Orders dated 04.08.2023 passed in both Disqualification Petitions are confirmed and upheld.

14. Both Writ Petition Nos. 17025/2024 and 16262/2024 are allowed and disposed in terms of prayer clauses (a) and (b) respectively.

Amberkar

[MILIND N. JADHAV, J.]

15. After aforesaid order is pronounced in Court Mr.Shah, learned Senior Advocate appearing for Respondent No.3 in both the Writ Petitions would persuade the Court to consider stay of the present order to enable Petitioners to approach the superior Court in view of the fact that by virtue of the disqualification order Respondent No.3 have been disqualified as members and they were holding the post as member since 2021 pursuant to their election. Though in normal circumstances I would have agreed to the request made but in the

facts of the present case and grievances which are delineated in the aforesaid order I am not inclined to accept the request made by Mr. Shah for the reason that there has been enough and substantial protraction of hearing of the proceedings before the statutory officer as also before the Hon'ble Minister in the present case requiring the Petitioner to repeatedly approach this Court by way of Writ Petitions as also Contempt Proceedings. In that view of the matter the request made by Mr. Shah is rejected.

Amberkar

[MILIND N. JADHAV, J.]

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