



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11176 OF 2025**

hirabai Devidas Khade ... Petitioner
versus
The State of Maharashtra and Ors. ... Respondents

Mr. Bhalchandra Shinde i/by Mr. Sohel Mujawar for Petitioner.
Mrs. Vrushali Raje, AGP for State.

CORAM: N.J.JAMADAR, J.

DATE : 18 AUGUST 2025

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 25 June 2025 passed by the Minister, whereby the stay granted by the Minister to the execution and operation of the order passed by the Divisional Commissioner, Pune Division, under Section 39 of the Maharashtra Village Panchayat Act, 1959, thereby removing the Petitioner from the post of Member and Sarpanch of Village Redni, Tal. Indapur, Dist. Pune, came to be vacated.
3. By an order dated 22 May 2025, the Minister had initially granted stay to the execution and implementation of the order passed by the Divisional Commissioner. On 25 June 2025, it appears, the Petitioner sought an adjournment as his Advocate was not available. The Minister did not consider it appropriate to continue the stay, and, thus, vacated the stay granted by order dated 22 May 2025.

4. From the perusal of the order passed by the Divisional Commissioner, prima facie, it appears that the misconduct is attributed to the Petitioner primarily for failure to supervise the functioning of the Village Development Officer.
5. In these circumstances, the issue as to whether the Minister could have vacated the interim order when an adjournment was sought on the ground that the Advocate was not available on account of the familial difficulty, arises for consideration.
6. Issue notice to the Respondents, returnable on 15 September 2025.
7. Mrs. Raje, learned AGP, waive service of notice for Respondent Nos.1 and 2.
8. In addition to notice through Court, the Petitioner is at liberty to serve Respondent Nos.3 to 12 by private service and file an affidavit of service.
9. In the meanwhile, there shall be stay to the execution, operation and implementation of the order dated 21 April 2025 passed by the Divisional Commissioner in Village Panchayat proceeding No.SR-03/2025.

(N.J.JAMADAR, J.)