



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.7502 OF 2019

Kasam Piru Gawali -Vs-State of Maharashtra and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.Rohan K.Joshi, counsel for the petitioner.
Mr.A.J.Gohokar, AGP for respondent Nos.1 to 4.
Mr.A.R.Deshpande, counsel for respondent No.5.
Mr.Tushar Dhale counsel h/f Mr. N.B.Kalwaghe, counsel for respondent Nos.4 and 5.

CORAM: NITIN W. SAMBRE AND
MRS.VRUSHALI V. JOSHI, JJ.
DATE : 14th FEBRUARY, 2025.

1. Heard.
2. The petitioner after having been elected as a counselor of respondent No.3-Council, became President till 26.12.2021.
3. It appears that the proceedings came to be initiated which led to the passing of the impugned order dated 22/08/2019, whereby the respondent-Collector has constituted the Committee for causing an enquiry against the decisions, which were taken in relation to the decision taken by the petitioner in the capacity of the President.
4. We are informed that since the Collector has no jurisdiction, this Court after causing notice, has granted *interim relief* in favour of the petitioner. As a sequel of

which, the aforesaid enquiry remained stayed, as could be noticed from the order dated 19/11/2019 passed by this Court.

5. We are informed that in the wake of the grounds raised in this petition, the State Government has already initiated an enquiry against the petitioner and in that view of the matter, the present petition can be disposed of thereby quashing the order dated 22/08/2019.

6. The aforesaid factual matrix is not disputed by the learned counsel appearing for the respondents.

7. In that view of the matter, it is apparent that the State Government has taken up independent decision to proceed against the petitioner and as such the proceedings are subject matter of the challenge in the Writ Petition No.1119 of 2021.

8. As a sequel of above, it is apparent that the respondent Collector has no authority in law to direct an enquiry against the petitioner while exercising the post of President. That being so, the order dated 22/08/2019 is hereby quashed and set aside. The Writ Petition stands allowed in above terms.

9. We need to clarify that this Court has not examined the merits of the matter as the petition is allowed only on the count that fresh proceedings are initiated by the State

Government, which can be decided independent of the present Writ Petition.

10. Writ Petition stands disposed of.

(MRS. VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)