



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

WRIT PETITION NO.3773 OF 2025

(Abdul Wahid Khan Abdul Ajij Khan Vs. The Additional Commissioner, Nagpur
Division, Nagpur and others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. A. S. Deshpande, Advocate for Petitioner.
Mr. A. G. Mate, AGP for Respondent Nos.1 & 2/State.
Mr. Gajendra Saoji, Advocate for Respondent No4/Caveator.

CORAM: PRAFULLA S. KHUBALKAR, J.

DATE: 21th JULY, 2025.

1. Heard Mr. Anand Deshpande, learned counsel for the petitioner.
2. The petitioner challenges order dated 09.07.2025 passed by the Additional Commissioner, Nagpur/respondent no.1 in proceeding No.16(2)/M.V.A. No.03/2025 by which the interim order of stay granted on 30.06.2025 is vacated.
3. Learned counsel for the petitioner submits that while entertaining the appeal under Section 16 of the Maharashtra Village Panchayat Act, the respondent no.1 had passed an order on 30.06.2025 by which interim stay was granted till next date of hearing i.e. on 21.07.2025, thereby staying disqualification of the petitioner as Upa-Sarpanch of village Bokhara. The primary contention of the petitioner is that although the matter was fixed on 21.07.2025 for final hearing, however, the application filed by respondent no.4

for vacating the interim relief was taken on board on 03.07.2025, and then it was fixed for 07.07.2025 and on 09.07.2025 the interim order is vacated mainly for the reason that the appellant had failed to appear despite service of notice of application for vacation of stay. Learned counsel for the petitioner submits that the petitioner was never served with any application for vacation of stay and he also submits that the petitioner has specifically averred in the petition in this regard. He, therefore, submits that the impugned order vacating the interim relief is unsustainable in law.

4. On this crucial point Mr. Saoji for respondent no.4 submits that the notice of application for vacation of stay was served upon the petitioner and seeks time to place on record the acknowledgment in this regard.

5. It is submitted by the learned counsel for the petitioner that the appeal is posted for final hearing before respondent no.1/Additional Commissioner for today and the proceeding may be stayed.

6. The controversy thus revolves around service of notice of the application for vacation of stay upon the petitioner, on which the contesting parties have made opposing submissions. In view of this, it is in the interest of justice to allow respondent no.4 to place on record the acknowledgment which he can file by way of affidavit within one week from today.

7. In view of this, issue notice for final disposal, returnable on 24.07.2025.
8. Mr. A. G. Mate, learned AGP waives service of notice for respondent nos.1 and 2/State.
9. Mr. Gajendra Saoji, learned counsel waives service of notice for respondent nos.4 to 13.
10. Petitioner to serve respondent no.3 by hamdast.
11. In view of the rival submissions, the impugned order dated 09.07.2025 by which the interim relief was vacated is stayed till next date.
12. Parties to note that the matter will be heard finally on the next date.

(PRAFULLA S. KHUBALKAR, J.)