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919 wp 5296.17

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

919 WRIT PETITION NO. 5296 OF 2017
WITH WP/5297/2017 WITH WP/5298/2017 WITH WP/5299/2017

LATA NAMDEO DHOBLE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Tarde Vivek V
AGP for Respondents: Mr. D.R. Kale

...

**CORAM : S.C. DHARMADHIKARI &
MANGESH S. PATIL, JJ.**

DATE : 18.07.2017.

PC. :-

1 In a similar petition being Writ Petition No.4090/2017 (*Smita Pandurang Lad vs. The State of Maharashtra and others*) concerning Section 10(1-A) of the Maharashtra Village Panchayats Act, 1958, this Court has issued the following directions in paragraphs 5 to 10 vide order dated 08.06.2017 :-

- "5. We find that the proceedings in the form of Petition(s) for Special Leave to Appeal (C) No(s). 29874-29875/2016 to the Hon'ble Supreme Court of India are pending in the Hon'ble Supreme Court, as noted by this Court on 13/04/2017.
6. We are faced with multiple Petitions as none of the public officials are ready and willing to await the outcome of the proceedings pending before the Hon'ble Supreme Court. We do not countenance such state-of-affairs, for the simple reason that the interim order of the Hon'ble Supreme Court



stays the effect and implementation of the Full Bench judgment of this Court on the basis of which impugned proceedings have been concluded.

7. *In the State of Maharashtra, there is spate of such proceedings and considerable judicial time of this Court is wasted in only issuing notices to the public bodies and staying the effect of the disqualification order until the proceedings before the Hon'ble Supreme Court are disposed of.*
8. *We would therefore expect all the Divisional Commissioners to issue appropriate orders and directions and hold their hands so that they themselves, the District Collectors and other Officials would realize that until and unless the legal position is settled, it would not be appropriate to commence, initiate or conclude the proceedings or give effect to the orders passed therein. Ultimately, this is an issue of interpretation of a legal provision. The question raised in the Petition has far reaching consequences. The provisions and the substantive sections have been interpreted by the Full Bench and which interpretation is under scrutiny of the Hon'ble Supreme Court. We would therefore expect reasonable, fair and just approach by the State and its Officials so that we save our precious judicial time and utilize it for better and deserving cases.*
9. *With this hope, we continue the ad-interim order passed by this Court and post the Petition for Admission on 2nd August, 2017.*
10. *Liberty to apply in the event proceedings before the Hon'ble Supreme Court are concluded before that date."*

2 In the light of the aforesaid order, these petitions are also adjourned to 09.08.2017 with similar directions.

[MANGESH S. PATIL, J.]

[S.C. DHARMADHIKARI, J.]