

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5456 OF 2026

ASHA ANNASAHEB SIRSAT

VERSUS

UDDHAV KARBHARI SIRSAT AND OTHERS

.....

Mr. Narwadkar Mrigesh D., Advocate for Petitioners

Mr. S. N. Moranpalle, AGP for Respondents-State

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CORAM : S. G. CHAPALGAONKAR, J.
[VACATION COURT]

DATE : 29 MAY, 2026

PER COURT :

1. The Petitioner has been disqualified from the post of Sarpanch of Village Aranvihira, Taluka Ashti, District Beed, vide order dated 23.04.2026 passed by Respondent No.3 – the Collector, Beed, in Dispute Application No.14/2025 under Section 14(1)(J-3) of the Maharashtra Village Panchayat Act, 1958. The aggrieved Petitioner has preferred an appeal before the Divisional Commissioner, Chhatrapati Sambhajinagar, under Section 16(2) of the Maharashtra Village Panchayat Act, 1958. Pending the said appeal, the Petitioner filed an application seeking stay of the disqualification order passed by the Collector, Beed. The learned Divisional Commissioner rejected the Petitioner's prayer for stay vide impugned order dated 12.05.2026. Hence, the present Petition has been filed.

2. The learned Counsel, Mr. Narwadkar, for the Petitioner submits that the findings recorded by the District Collector, holding that the Petitioner is an encroacher, are patently illegal and inconsistent with the record. He submits that since a substantive appeal filed by the Petitioner is pending consideration, interim protection ought to have been granted. Prima facie, it appears from the record that the hearing of the appeal is scheduled before the Divisional Commissioner on 10.06.2026.

3. In that view of the matter, issue notice to Respondents, returnable on 12.06.2026. Learned AGP waives service of notice for Respondent Nos. 1 to 7.

4. In addition to Court notice, Petitioner shall be at liberty to serve Respondent nos.1 to 7 by any other alternate mode as is permissible under law and file affidavit of service before returnable date.

5. Till the returnable date or till the decision of the appeal pending before the Divisional Commissioner, there shall be interim relief in terms of prayer clause 'D'. It is made clear that the pendency of the Writ Petition or the interim order passed shall not be an impediment for the learned Divisional Commissioner to proceed with the appeal filed by the Petitioner and to decide the same on its own merits.

[S. G. CHAPALGAONKAR]
JUDGE