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WP-21119-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 2nd OF JULY, 2025WRIT PETITION No. 21119 of 2025**RAKESH MAKWANA***Versus****THE STATE OF MADHYA PRADESH AND OTHERS***

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Appearance:

Shri Vivek Dalal - Advocate along with Shri Harshavardhan Singh Rathore, Advocate for the petitioner .

Shri Bhuwan Deshmukh- GA appearing on behalf of Advocate General.

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ORDER

1] This petition has been filed by the petitioner under Article 226 of the Constitution of India seeking the following relief:-

- "a) Issue a writ in the nature of certiorari to quash the impugned Order dated 12.06.2025 whereby the Stay Application seeking to stay the Order of removal from the position of the Sar-Panch had been sought under an application under Section 21(4) of the Panchayat Raj Avam Gram Swaraj Adiniyam, 1993;*
b) Issue a writ in the nature of certiorari to quash the Order dated 05.06.2025 whereby the Petitioner had been unlawfully removed from the position of the Sar-Panch;
c) Issue any other writ, order or direction as this Hon'ble Court deems fit"

2] The grievance of the petitioner is that the application for stay in the appeal preferred under Section 24 of the M.P. Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 (hereinafter to be referred to as "Adhiniyam 1993" has been rejected by a cryptic order that without seeing the record the stay cannot be granted.



3] Counsel for the applicant has submitted that as per the provision of section 21(4) of the Adhiniyam, 1993, the appeal itself is required to be decided within 30 days time.

4] Counsel for the respondent/State has submitted that the respondents may be directed to decide the petitioner's appeal expeditiously and till then, the order may be stayed.

5] On due consideration of the submissions, this Court is inclined to dispose of this petition with a direction to the Appellate Authority/ respondent no.2 to decide the petitioner's appeal positively within 30 days time and till the appeal is decided the operation of order dated 12.6.2025 and 5.6.2025 shall remain stayed.

6] With the aforesaid , the petition stands **disposed of**.

(SUBODH ABHYANKAR)
JUDGE