

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (STAMP) NO.4299 OF 2015

Ajay Ramesh Bharati

.. Petitioner

Versus

Divisional Commissioner,

Konkan Division, Belapur

Navi Mumbai and others

.. Respondents

Mr. Dilip Bodake, for the Petitioner.

Ms. M. S. Bane, "B" Panel Counsel for the Respondent Nos.1 & 2.

CORAM : R.M. SAVANT, J.

DATE : 14th AUGUST, 2015

PC.

1. The Writ Jurisdiction of this Court is invoked by the Petitioner in view of the fact that the Appeal filed by the Petitioner is not being accepted by the office of Additional Commissioner, Konkan Division, Belapur. The said Appeal, which the Petitioner proposes to file, is against the rejection of his application for disqualifying the Respondent Nos.3 to 6 under Section 10(1)(A) of the Maharashtra Village Panchayats Act, and proviso thereof. The Learned Counsel for the Petitioner relies upon Section 14(1)(k) and Section 16(2) of the said Act to contend that the Appeal is maintainable before the Additional Commissioner. The office of the Additional Commissioner, Konkan Division Belapur is directed to accept

the Appeal filed by the Petitioner against the order dated 12.11.2014 passed by the Additional Collector. This is on the basis that the Additional Commissioner is exercising the powers of the State Government under the said provision. The Additional Commissioner may try the issue as regards the maintainability of the Appeal at the inception. This Court does not express any opinion as regards the same. With the aforesaid directions, the Writ Petition is disposed of.

[R.M. SAVANT, J]