

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION St. NO.11535 OF 2015**

Jaya Bharat Vadghole

..Petitioner

Vs.

The Chief Executive Officer & Ors.

..Respondents

Mr. P. N. Joshi for the Petitioner

Mr. A.D.Kango AGP for State

CORAM : R. M. SAVANT, J.

DATE : 29th APRIL, 2015

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 9-4-2015 passed by the Divisional Commissioner, Nashik Division, Nashik. The said order has been passed under Section 39 of the Maharashtra Village Panchayat Act 1958, disqualifying the Petitioner as Sarpanch as well as being member of the Grampanchayat in question. The Learned Counsel for the Petitioner states that the above Petition had to be filed in view of the fact that the Appeal filed by the Petitioner against the said order to the State Government, was not taken up for hearing. The said fact is disputed by the Learned AGP appearing for the State who states that though the Appeal was filed on 18-4-2015, the papers were received by the Appellate Authority i.e. the Hon'ble Minister for Rural Development on 27-4-2015. However, the Learned AGP states that the Appeal can be disposed of within the time frame that is stipulated by this Court.

2 In so far as the disposal of the Appeal is concerned, Sub Section (3) of Section 39 postulates that an Appeal filed against the order removing the Sarpanch under Section 39(1), has to be disposed of within one month. In my view, therefore, it would be appropriate to direct the Appellate Authority to hear and decide the Appeal latest by 31-5-2015. The Learned AGP states that the Petitioner can appear before the Appellate Authority on 6-5-2015 at 3.00 p.m. The Appellate Authority may thereafter fix the schedule for hearing of the Appeal as per its convenience, however to dispose of the same by 31-5-2015. In the meantime, status-quo as on date to be maintained as regards the post of Sarpanch.

3 With the aforesaid directions, the Writ Petition is disposed of.

[R.M.SAVANT, J]