

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2150 OF 2016

Vishwas Pandurang Mokal.] ... Petitioner

Versus

State of Maharashtra, Through Hon'ble]
Minister of Rural Development & Water]
Resources, and Ors.] ... Respondents

Mr. C. G. Gavnekar for Petitioner.

Ms. Aparna Vhatkar, AGP, for Respondent Nos.1 to 4.

CORAM :- M. S. SONAK, J.

DATE :- FEBRUARY 18, 2016

P. C. :-

1. **Not on board. Upon production, taken on board.**

2. In accordance with the mandate of Section 39(3) of The Maharashtra Village Panchayats Act ('said Act'), the respondent no.1 is directed to dispose of the appeal instituted by the petitioner on 12/02/2016 as expeditiously as possible and in any case, before 12/03/2016. Section 39 (3) of the said Act reads thus :-

“39(3) Any person aggrieved by an order of the Commissioner under sub-section (1) or (2) may, within a period of fifteen days from the date of the receipt of such order, appeal to the State Government and the Government

shall decide the appeal within a period of one month from the date of receipt thereof.”

3. In this case, the order impugned by the respondent no.1 was made by the Divisional Commissioner on 01/02/2016 and the same was communicated to the petitioner on 09/02/2016. The petitioner has instituted appeal under Section 39(3) of the said Act on 12/02/2016. The election to fill up the vacancy on account of disqualification of the petitioner was declared on 16/02/2016 and is now scheduled for 22/02/2016.

4. In this case, the petitioner has instituted an appeal with utmost dispatch. There is a mandate to dispose of the appeal within one month from the date of receipt thereof. Therefore, in the peculiar facts and circumstances of the present case, it would be appropriate if the elections are not held until the respondent no.1 disposes of the appeal by 12/03/2016. It is directed accordingly.

5. The petitioner is directed to co-operate in the matter of expeditious disposal of the appeal.

6. The petitioner to appear before the respondent no.1 on 24/02/2016 at 3.00 p.m. after giving notice to the respondents in the appeal.

7. It is clarified that there is no interim relief granted to the disqualification of the petitioner. Therefore, as on today, the petitioner stands disqualified. All contentions with regard to the disqualification are left to be decided by the respondent no.1.

8. The petition is disposed of in the aforesaid terms.

9. All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)