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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11908 OF 2017

Sonali S. More & Ors.	...Petitioners
V/s.	
The State of Maharashtra & Ors.	...Respondents

Mr.C.G. Gavanekar i/b Mr.Prashant P. Raul for the Petitioners.

Mr.S.D. Rayrikar, A.G.P. for the State – Respondent Nos.1 to 3.

Mr.Suhas S. Deokar for the Respondent No.4.

Mr.Mayur Jadhav i/b Mr.S.B. Shetye for the Respondent No.5.

Mr.Pratap Patil for the Intervenor in Civil Application No.2812 of 2017.

CORAM : R.D. DHANUKA, J.
DATE : 19TH DECEMBER, 2017.

P.C. :-

1. Rule. Learned counsel appearing for the parties, including the learned counsel appearing in the intervention application waive service.
2. By consent of parties the matter is heard finally.
3. Learned counsel for the petitioners invited my attention to the impugned order passed by the Divisional Commissioner, Konkan Division under section 145(1-A) of the Maharashtra Village

Panchayats Act, 1959 on 26th September, 2017 and also invited my attention to the Ordinance issued by the State Government, Maharashtra Ordinance No.XVI of 2017 and more particularly section 21 thereof by which sub section (1A) of section 145 of the Maharashtra Village Panchayats Act stands deleted with effect from the date of the last Ordinance i.e. 19th July, 2017. It is thus clear that on the date of the impugned order passed by the learned Divisional Commissioner, Konkan Division, the said provisions which was invoked by the learned Divisional Commissioner, Konkan Division was already deleted.

4. The impugned order thus passed by the Divisional Commissioner, Konkan Division is without jurisdiction and thus deserves to be set aside.

5. I therefore, pass the following order :-

a). Rule is made absolute in terms of prayer clause (a). There shall be no order as to costs.

(R.D. DHANUKA, J.)