

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7299 OF 2019

**SUDHIR RUSHINATH PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for the Petitioner : Shri V. S. Undre
AGP for Respondent Nos. 1 to 3 : Shri S. P. Tiwari

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 17th JUNE, 2019.

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PER COURT :

1. This matter was not on board. A motion was moved at 10.30 a.m. expressing urgency in the matter, stating that the petitioner has a statutory remedy available and this petition can be disposed off. Hence, taken on the production board.

2. The learned Advocate for the petitioner submits that he is the Sarpanch of village Panchayat, Arangaon and has been disqualified under Section 39(1) of the Maharashtra Village Panchayat Act. After the Additional Divisional Commissioner delivered an order on 10/05/2019, the petitioner was intimated of the order on 21/05/2019. He got the copy of the

order on 28/05/2019. Section 39(3) prescribes a limitation of 15 days from the date of receipt of the copy of the impugned order, to enable the aggrieved party to file an appeal. The petition was, therefore, filed within limitation. However, it is noticed that this petition would not be maintainable. The learned Advocate submits that this petition was filed under a wrong impression in this Court. He, therefore, prays that time spent by the petitioner in this Court may be excused as there is no condonation of delay prescribed *insofar* as this aspect is concerned under the Maharashtra Village Panchayat Act.

3. The learned AGP submits that the petitioner is right in contending that this petition would not be tenable and he should be approaching the State Government under Section 39(3). He submits that the request of the petitioner could be accepted as a wrong forum was selected for filing the petition.

4. Considering the above, this petition is disposed off as withdrawn.

5. The petitioner has about 11 days at his disposal for filing

the revision under Section 39 before the State Government. In the event the petition is filed within 11 days from today, the time spent by the petitioner from 03/06/2019 till the passing of this order today shall be excused and his proceedings would be considered as having been filed within 15 days from the date of the receipt of the copy.

(RAVINDRA V. GHUGE, J.)

shp/-