

Dond

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

CIVIL WRIT PETITION NO.14002 OF 2018

Nirmala Vishmbhar Kokare

..Petitioner

Vs

State of Maharashtra & Ors.

..Respondents

WITH

CIVIL WRIT PETITION NO.14025 OF 2018

Ms. Manisha Prakash Metkari

..Petitioner

Vs

State of Maharashtra & Ors.

..Respondents

WITH

CIVIL WRIT PETITION NO.14033 OF 2018

Shri Mohmad Arif Mubarak Shaikh

..Petitioner

Vs

State of Maharashtra & Ors.

..Respondents

WITH

CIVIL WRIT PETITION NO.14034 OF 2018

Ms. Anita Baban Bansode

..Petitioner

Vs

State of Maharashtra & Ors.

..Respondents

Mr. Ahmed Shaikh for the Petitioners.

Ms. V.S. Nimbalkar, AGP for respondent Nos.1 to 4.

Mr. Ashok Kumar for respondent No.5 in WP 14033/2018.

CORAM : A.S.GADKARI, J.

DATE : 30th July 2019.

P.C.:

1] By the present petitions, the petitioners have taken exception to the impugned Orders dated 26.10.2018 passed by the respondent No.2, rejecting the Appeals preferred by the petitioners under section 16(1)(2) of the Maharashtra Village Panchayat Act, 1958, on the ground of delay of two days, in preferring the appeal.

2] Division Bench of this Court in the case of Sangitabai Vasudeo Rajput Vs. Sate of Maharashtra & Ors., reported in 2018(1) Bom. C.R. 588 while analyzing the provisions of Section 16(2) of the Maharashtra Village Panchayat Act, 1958 has held that, the Additional Commissioner has power to condone the delay in preferring appeal.

3] In view thereof, the impugned Orders dated 26.10.2018 passed by the respondent No.2/Divisional Commissioner, Pune are hereby set aside and the appeal Nos.14, 15, 16, 17 of 2018 filed by the petitioners are restored to file of the respondent No.2 for its decision as per the provisions of law.

4] Writ Petitions are allowed in the aforesaid terms.

(A.S.GADKARI, J.)