

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.5533/2020

SARLA VIJAY KAD

VERSUS

THE STATE OF MAHARASHTRA & OTHERS.

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Shri S.S. Thombre, Advocate for petitioner.

Shri S.Y. Mahajan, AGP for respondent nos.1 & 2.

Shri S.S. Gangakhedkar, Advocate h/f Shri S.G. Kavade, Advocate for respondent no.4.

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CORAM: V.L. ACHLIYA, J.

DATE: 07.08.2020

PER COURT :

- 1] Heard learned counsel appearing for the parties.
- 2] In view of objection raised as to availability of alternative remedy by way of appeal u/s 39(3) of the Maharashtra Village Panchayats Act, learned counsel for the petitioner seeks permission to withdraw the petition with liberty to file appeal and requests for grant of interim protection for 15 days by way of stay to the impugned order so as to enable the petitioner to present appeal and ensure that the purpose of filing of appeal shall not be frustrated.
- 3] Allowed to withdraw with liberty as prayed for. The petition is disposed of as withdrawn.
- 4] Execution and implementation of order dated 3.8.2020 passed by the respondent no.2 is stayed for a period of 15 days

from today.

5] It is expressly made clear this Court has not examined merits of the contentions raised in the petition. All contentions raised in the petition are kept open to be raised in appeal to be filed by the petitioner.

(V.L. ACHLIYA, J.)