

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

WRIT PETITION NO.11124 OF 2019

Dipali Kashinath Salunke	..Petitioner
Vs.	
State of Maharashtra & Ors.	..Respondents

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Mr. Vaibhav V. Ugle, Advocate for Petitioner.
Ms. V. S. Nimbalkar, AGP for Respondent No.1.
Mr. Pankaj P. Deokar, Advocate for Respondent No.2.
Mr. Ajinkya Badar, Advocate for Respondent No.3.

**CORAM : C.V. BHADANG, J.
DATE : 12th FEBRUARY, 2020**

PC.

. The challenge in this petition is to the order dated 20/9/2019 passed by the respondent No.2 under Section 40 of the Maharashtra Village Panchayats Act 1958, thereby holding the petitioner to be disqualified from holding the post of member of the Gram Panchayat Ghotawade, Tal. Mulshi, Pune on the ground that she had absented herself in the monthly meetings of the Gram Panchayat for the period from 19/11/2018 to 27/5/2019 i.e. for a total period of 185 days.

2. Learned counsel for the respondents have raised a preliminary objection to the maintainability of the petition on the ground that the petitioner has a efficacious remedy of filing an appeal before the State Government under Section 40(2) of the said Act.

3. Faced with this, the learned counsel for the petitioner seeks leave to approach the Appellate Authority with further request to continue the interim protection granted by this Court for a limited period.

4. On hearing the learned counsel for the parties the petition is disposed of with a liberty to the petitioner to approach the Appellate Authority against the impugned order, within a period of three weeks from today. The ad-interim relief granted by this Court on 16/10/2019, shall continue for a period of three weeks in order to enable the petitioner to approach the Appellate Authority.

5. In the circumstances, there shall be no order as to costs. If such appeal is filed alongwith an application for condonation of delay, exclusion of time the Appellate Authority shall have due regard to the provisions of Section 5 r/w. Section 14 of the Limitation Act on account of pendency of this petition from 11/10/2019 till today.

6. The rival contentions of the parties are left open.

C.V. BHADANG, J.