

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION (WP) NO. 977 OF 2020

(Khushal s/o Rakhadu Bhelave, Gondia Vs. The Additional Commissioner, Nagpur Division,
Nagpur & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri P.S. Wathore, Advocate for the petitioner.
Shri V.R. Borkar, Advocate for respondent No.5.
Smt. Mrunal Naik, A.G.P. for respondent Nos. 1 and
2.

CORAM : MANISH PITALE, J.
MARCH 03, 2020.

In this Writ Petition, on 18/02/2020, notice was issued and interim relief was granted in favour of the petitioner. The Writ Petition was entertained despite availability of the remedy of statutory appeal for the reason that the Appellate Authority i.e. the Additional Commissioner, Nagpur, was not available.

The learned A.G.P. appearing for respondent Nos. 1 and 2 makes a statement, on instructions, that the Appellate Authority namely the Additional Commissioner, Nagpur is now very much available for considering the appeals filed under the Maharashtra Village Panchayats Act, 1959, particularly Section 16(2) thereof.

In fact, the petitioner has already filed such an appeal before the respondent No.1.

In view of above, this Writ Petition is disposed of with liberty to the petitioner to get this appeal, already filed before the respondent No.1, taken up for consideration on merits. The interim relief dated 18/02/2020 passed by this Court shall continue to operate for a further period of two weeks'.

It is made clear that the Appellate Authority i.e. the Additional Commissioner, Nagpur, would be free to consider the question of interim relief as well as the appeal of the petitioner on merits, in accordance with law.

The parties to appear before the respondent No.1 Additional Commissioner, Nagpur, on 12/03/2020.

JUDGE