

Vidya Amin

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

WRIT PETITION NO. 6395 OF 2021

Damayanti Parvati Jadhav & Anr.

... Petitioners

V/s.

The State of Maharashtra & Ors.

... Respondents

Mr. S.M. Gorwadkar, Senior Advocate i/b. Mr. Ameya V. Borwankar
for the petitioner.

Mr. S.H. Kankal, AGP for the State.

Mr. S.S. Patwardhan a/w. Mr. Chitanya Nikte for respondent nos. 4
and 5.

CORAM : G.S.KULKARNI, J.

DATE : 15 November, 2021

P.C.:

1. The order impugned in this writ petition is passed by the District Collector, Pune whereby the petitioners are disqualified under Section 3(1)(b) of the Maharashtra Local Authority Members' Disqualification Act, 1986 (for short "the said Act").

2. As pointed out by Mr. Patwardhan, learned counsel for respondent nos. 4 and 5, there is an alternate remedy of an appeal as provided under section 2(3) of the said Act to be filed by the person aggrieved by an order passed under section 3(1)(b) of the Act within 30 days from the date of such order.

3. The order impugned is dated 14 September, 2021. This petition was immediately filed thereafter on 22 September, 2021.

The petitioners were bonafidely pursuing this petition. In my opinion, in the aforesaid circumstances, it would be in the interest of justice that the petitioners are permitted to avail of the statutory remedy of an appeal as available to them. However, as the petitioners were bonafide pursuing this petition, if such an appeal is filed within two weeks from today, the Appellate Authority shall consider the appeal on merits without any objection on limitation.

4. It would be permissible for the petitioners to make an application for expeditious hearing of the appeal, which shall be considered by the Appellate Authority on its own merits.

5. Petition is disposed of in the above terms. No costs.

6. All contentions of the parties on merits of the appeal are expressly kept open.

(G.S.KULKARNI, J.)