

Prajakta Vartak

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

WRIT PETITION NO.7850 OF 2021

Dattatray Natha Shewale

... Petitioner

V/s.

Maval Panchayat Samiti & Ors.

... Respondents

Mr. Surel Shah with Mr. Aadesh Patil i/b. Mr. M. B. Patil for Petitioner.

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

Mr. Chetan Patil with Mr. Mandar Bagkar for Respondent No.2.

CORAM : G.S.KULKARNI, J.

DATE : 24 November, 2021

PC.:

1. The order impugned in this writ petition is passed by the District Collector, Pune whereby the petitioner is 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. Patil, learned counsel for respondent no.2, there is an alternate remedy of an appeal as provided under section 7(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 6 October, 2021. This petition was immediately filed thereafter on 14 October, 2021. The petitioner was

bonafidely pursuing this petition. In my opinion, in the aforesaid circumstances, it would be in the interest of justice that the petitioner is permitted to avail of the statutory remedy of an appeal as available to him. However, as the petitioner was 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 petitioner 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.)