

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

WRIT PETITION NO. 12189 OF 2021

Ankush Ramrao Kshirsagar

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

.....

Mr. Suraj V. Gundre, Advocate for the petitioner

Mr. K. B. Jadhavar, AGP for respondent no. 1

Mr. R. A. Joshi, Advocate for respondent no. 3

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CORAM : BHARATI H. DANGRE, J.

DATE : FEBRUARY 04TH, 2022

PER COURT : -

1. Heard the learned Counsel for the petitioner, learned AGP for respondent no. 1 and the learned Advocate for respondent no. 3, who has filed an affidavit on record.

2. Short grievance of the petitioner revolve around the communication dated 20.10.2021 addressed by the Secretary in the Rural Development and Panchayat Raj Department, State of Maharashtra, thereby intimating that, the respondent no. 3 had filed an appeal against the order passed by the Additional Divisional

Commissioner, Aurangabad on 04.10.2021 under Section 39(3) of the Maharashtra Village Panchayat Act before the Hon'ble Minister. By the said communication, it is informed that the orders passed by the Divisional Commissioner under challenge i.e. order dated 04.10.2021 is stayed by the Hon'ble Minister after hearing the respective parties.

. So far so good. The grievance of the petitioner is, by the said communication it is informed that the further date of hearing shall be communicated at the earliest but, till date no date of hearing has been communicated to the concerned and resultantly, the appeal is pending before the Hon'ble Minister without any date being assigned. The appeal cannot be kept pending indefinitely and particularly when the impugned order has been stayed and the appeal must progress, which apparently has not.

3. In the wake of the above, without expressing any opinion on the merits of the matter, I deem it expedient to direct the Secretary of the Rural Development and Panchayat Raj Department, State of Maharashtra, who has issued the communication dated 20.10.2021, to fix the date of hearing before the Hon'ble Minister and intimate the same to all the concerned at the earliest. A request is also made to the Hon'ble Minister seized of the appeal under

Section 39(3) of the Maharashtra Village Panchayat Act against the order passed by the Divisional Commissioner, Aurangabad on 04.10.2021, to make all efforts to dispose off the appeal within a period of four (04) months from today.

4. With the aforesaid directions, the writ petition is disposed off.

[BHARATI H. DANGRE]
JUDGE