

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 4319 OF 2019**

Shri. Vijay Shamrao Deshmukh

.....Petitioner

Vs.

The State Of Maharashtra & Ors.

.....Respondents.

Mr. Sachin Gite for the Petitioner.

Mr. P.P. Pujari, AGP for the Respondent Nos.1 to 4-State.

Ms. Chaitrali Deshmukh i/by Ajit Alange for the Respondent No.6.

CORAM : A. S. GADKARI, J.**DATE : 8th APRIL, 2022.****PC.:-**

Heard Mr. Gite, learned Advocate for the Petitioner, Ms. Deshmukh, learned Advocate for the Respondent No.6 and Mr. Pujari, learned AGP for the Respondent Nos.1 to 4.

2 It is an admitted fact on record that, the Respondent No.3 decided the Dispute Application No.58 of 2017 by its Order dated 29th September, 2018. A copy of which has been served and/or delivered to the Petitioner on 17th October, 2018. The Tahasildar, Dindori has obtained signature of Petitioner at the time of delivery of the said copy of the Order. The said document is annexed at page No.49 and 50 to the present Petition.

3 Petitioner, thereafter immediately filed an Appeal under Section 16 of the Maharashtra Grampanchayat Act, 1959 on 20th October, 2018. It is thus clear that, the Petitioner had filed the said Appeal under

Section 16 of the said Act before the Respondent No.2 within the period of limitation of 15 days as contemplated under the said Section. Despite the said fact, the Respondent No.2 has held that, the Appeal preferred by the Petitioner is beyond the period of limitation, by its impugned Order dated 30th January, 2019.

4 A bare perusal of the impugned Order indicates that, the Respondent No.2 has not taken into consideration the aforesaid admitted facts on record and proceeded to reject the Appeal filed by the Petitioner on the ground of delay.

5 In view thereof, it is held that, the Appeal preferred by the Petitioner is well within the period of limitation.

6 The impugned Order dated 30th January, 2019 passed by the Respondent No.2 in Grampanchayat Appeal No.DP-94 of 2018 is quashed and set aside and the Appeal of Petitioner is restored to file of Respondent No.2.

Respondent No.2 is directed to decide the said Appeal, on its own merits and as per the provisions of law within a period of six months from the date of receipt of the present Order.

7 Petition is allowed in the aforesaid terms.

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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by SANJIV
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Date: 2022.04.12
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