

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

WRIT PETITION NO.7997 OF 2022

Vishnu Krushna More ... Petitioner
Vs.
Divisional Commissioner, Konkan Division
& Ors. ... Respondents

Mr. Sagar G. Talekar for the Petitioner.
Mr. Chintamani K. Bhangoji for Respondents No.4.

CORAM: ABHAY AHUJA J.

DATE : 19TH JULY 2022

P.C.:

1. Heard learned Counsel for the parties.
2. This Petition seeks to challenge the order dated 20th June, 2022 passed by Respondent No.1-the Divisional Commissioner in the proceedings initiated at the instance of Respondent No.4 under Section 39(1) of the Maharashtra Village Panchayat Act, 1959 as not maintainable on the ground that Respondent No.4 is not a voter of Village Rasal and further that the application filed by Respondent No.4 before the Divisional Commissioner is not as per the provisions of Section 39(1) of the Maharashtra Village Panchayat Act, 1959.

3. Mr. Bhangoji, learned Counsel for Respondent No.4 submits that there is an alternate remedy against the impugned order provided under Section 39(3) of the Maharashtra Village Panchayat Act, 1959 and as such the Petition is not maintainable.

4. Mr. Talekar, learned Counsel for the Petitioner at this stage submits that in fact an Appeal has already been filed under the said Section, but since there is no Minister for Rural Development to take a decision, he has filed this Writ Petition. He submits that there is an averment in this regard in Paragraph 10 of the Petition.

5. In view of the statutory Appeal having already been filed, this Court is of the view that the Petition is not maintainable and is dismissed.

(ABHAY AHUJA, J.)