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

WRIT PETITION NO. 11229 OF 2022

Smt. Sonali Jaihind Chaudhari

... Petitioner

Vs.

The State of Maharashtra and Ors.

... Respondents

Mr.Sanjay Patil, Advocate for the Petitioner.

Mr. S.D. Rayrikar, AGP /Respondent Nos.1 to 4.

CORAM : SANDEEP K. SHINDE, J.

TUESDAY, 20TH SEPTEMBER, 2022.

P.C. :

1. The provisions of Section 29(6) of The Maharashtra Village Panchayat Act, mandates that the resignation of member or Sarpanch and dispute regarding resignation shall take effect once, an appeal made to the Commissioner is rejected. Admittedly, the Petitioner's appeal before the Commissioner, Kokan Division, Mumbai -Respondent No.3 is

pending for consideration made against the order dated 22nd August, 2022 passed by the Additional Collector, Thane. Therefore, the resignation of the Petitioner as a Sarpanch has not taken effect. Even then, the election for the post of Sarpanch, which the Petitioner was holding, but allegedly fall vacant, is scheduled on 21st September, 2022.

2. The Learned Assistant Government Pleader, on instruction, from Respondent No.3 submits that Petitioner's appeal against the order of the Additional Collector shall be heard on or before 30th September, 2022.

3. In view of above, the Commissioner shall decide the Petitioner's appeal on or before 30th September, 2022.

4. Till then the election scheduled to be held on 21st September, 2022 to elect the Sarpanch of Grampanchayat Saravali, Taluka Bhiwandi, Dist. Thane is deferred.

5. The Petition is, therefore, partly allowed.

6. The Commissioner, Konkan Division, Mumbai shall decide the appeal on its own merits.

7. It is made clear that this Court has not heard the Petitioner

on merits at all.

8. The Petition is disposed of in the aforesaid terms.

9. Parties to act on an authenticated copy of this Order. The AGP shall communicate this order to the office of Respondent No.3 and all concerns.

(SANDEEP K. SHINDE, J.)