

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH, NAGPUR.

**WRIT PETITION NO.6745 OF 2022**

Mangesh S/o Shamrao Tayade, Tah. Balapur, Dist. Akola

-vs-

The State of Maharashtra, Thr. Secretary, Dept. of Village Development Mantralaya, Mumbai  
and ors.

-----  
Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Santosh D. Chande, Advocate for petitioner.

Shri A. A. Madiwale, Assistant Government Pleader for respondent  
Nos.1 and 2.

Shri Ram Karode, Advocate for respondent No.6.

**CORAM : A. S. CHANDURKAR AND ANIL L. PANSARE, JJ.**

**DATE : December 02, 2022**

Rule. Rule made returnable forthwith and heard the learned counsel considering the short issue involved.

The petitioner has been disqualified under the provisions of Section 39(1) of the Maharashtra Village Panchayats Act, 1959 (for short, the said Act) pursuant to the order dated 30/09/2022 passed by the Divisional Commissioner, Amravati. Against that adjudication the petitioner has preferred an appeal under Section 39(3) of the said Act before the State Government. Along with that appeal an application for grant of stay was moved. Since no orders have been passed on the said application, the petitioner has approached this Court.

On hearing the learned counsel for the parties, we are of the view that following directions would meet the interests of justice :

- (a) The petitioner as well as the respondent Nos.5 and 6 shall appear before the Honourable Cabinet Minister, Rural Development hearing the appeal under Section 39(3) of

the said Act on 12/12/2022.

- (b) The said appeal be considered on merits and the decision thereon be taken within a period of four weeks from the first date of appearance of the parties. The appellate Authority is free to consider the application for stay in the meanwhile on its own merits.
- (c) Keeping all questions raised in writ petition open, the writ petition is disposed of. Rule accordingly. No costs.

(Anil L. Pansare, J.)

(A. S. Chandurkar, J.)

Asmita