

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

4 WRIT PETITION NO.245 OF 2022

ANIL CHANDRAKANT WALKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. C R Thorat
AGP for Respondents: Mr. S B Pulkundwar

...
CORAM : NITIN W. SAMBRE & S. G. CHAPALGAONKAR, JJ.
Dated: April 03, 2023

...
PER COURT :-

1. Leave to amend Zilla Parishad is permitted to be added as a party respondent no.5.
2. The contention of the counsel for the petitioner is though he has applied for grant of permission to carry out the construction, no decision is communicated to him within statutory period and, as such there is deemed permission.
3. According to him, the impugned communication as such is not sustainable.
4. In view of the availability of the alternate remedy to the petitioner, we permit him to approach before respondent no.5. We direct the respondent no.5-Standing Committee, before whom the appeal is provided under section 52 Sub-clause (2) of the Maharashtra Village Panchayat Act, 1959 to decide the
aaa/-

appeal of the petitioner, expeditiously, and in any case, within a period of six months from the date of filing of such appeal. The appeal of the petitioner may not be dismissed on the ground of limitation and has to be decided on merits.

5. With the aforesaid directions, writ petition stands disposed off.

(S. G. CHAPALGAONKAR, J.)

(NITIN W. SAMBRE, J.)

...