

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

24 WRIT PETITION NO.5070 OF 2023
with
CIVIL APPLICATION ST. NO. 14744 OF 2023

INDIRABAI BABAN PATIL
VERSUS
THE DIVISIONAL COMMISSIONER AND ANOTHER

...
Advocate for Petitioner : Mr. P.R. Harshal
AGP for Respondent/State : Mr. K.B. Jadhavar
Advocate for intervenor : Mr. Vinod P. Patil
...

CORAM : ARUN R. PEDNEKER, J.
DATED : 02/05/2023

PER COURT :

1. Intervension application is allowed
2. The intervenor takes exception to the present writ petition as appeal is maintainable against the impugned order under section 39 (3). In view of the objection raised, the petitioner is permitted to file appeal before the State Government to challenge the impugned order. In the event, the appeal is filed, the period spent in executing the present writ petition shall be excluded in computing the period of limitation, in filing appeal before the State.
3. The writ petition is accordingly disposed of with liberty to the petitioner to file appeal. The State Government to decide the petition as expeditiously as possible and in view of the urgency in the matter the State may consider prayer of interim stay relief expeditiously. The State to decide the appeal within the time stipulated in section 34 (3) of the Village Panchayat Act.

[ARUN R. PEDNEKER J.]

ssc/