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

920 WRIT PETITION NO.140 OF 2023

RAMSEVAK SAKHARAM SHINDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

....

Mr D. A. Madake, Advocate for petitioner;
Mr S. K. Tambe, A.G.P. for respondent No.1
Mr S. R. Yadav, Advocate for respondent Nos.2 & 3

**CORAM : RAVINDRA V. GHUGE
AND
SANJAY A. DESHMUKH, JJ.**

DATE : 7th January, 2023

PER COURT:

1. The petitioner preferred an appeal on 15/12/2022 before respondent No.2/ Chief Executive Officer, Zilla Parishad, Parbhani. On the 8th day, the petitioner lodged this petition before us seeking Writ of Mandamus on the ground that, the provisions under the Government Resolution dated 07/04/2021 requires that the Appellate Authority should decide the appeal within seven days.

2. A Writ of Mandamus being sought to issue directions to the Authority to exercise powers duly vested in it by law, by

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preferring a writ petition on the 8th day, would not permit us to entertain such a petition.

3. The learned Advocate appearing on behalf of the Zilla Parishad submits that, a hearing took place on 15/12/2022 and 16/12/2022, by dividing all the appellants into two batches. The petitioner was present in the hearing. The petitioner was heard. However, there is no statement in the memo of the petition that the petitioner appeared before the Appellate Authority on 15/12/2022 and was heard. Moreover, by an order dated 16/12/2022, the appeal of the petitioner has been negated.

4. In view of the above, this petition is dismissed.

5. Needless to state, the petitioner would be at liberty to challenge the order dated 16/12/2022, by approaching the appropriate Forum, as may be permissible in law. All the contentions of the litigating parties are kept open.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)

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