

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

WRIT PETITION NO. 2514 OF 2023

Smt.Surekha Sachin Patil
(Sarpanch Grampanchayat Varedi)
Age 31 years, Occu. Housewife
R/o. Varedi, Taluka Pen,
District Raigad.

..Petitioner

V/s.

1. The State of Maharashtra
Through Ld.Minister for Rural
Development, Department,
Mantralaya. Mumbai-400032.
2. Shri.Samir Vithoba Patil
Age: 39 years. Occu.:Service
R/o.Varedi, Post Hamarapur
Taluka Pen, District:Raigad
3. Smt.Jayashri Gajanan Waghmare
Age: 31 years, Occu;Housewife
Nos. 2 to 3 R/o.Kharsapoli, Post
Hamarapur, Taluka Pen, Dist.Raigad. ..Respondents

Mr. Rahul More for the Petitioner.
Ms. S.S.Bhende AGP for Respondent No.1/State.

**CORAM : R.D.DHANUKA, AND
GAURI GODSE, JJ.**

DATE : 6th March 2023

P.C.

. Heard learned advocate for the Petitioner. He seeks leave to delete the Respondent No.2 and 3. Leave is granted to the Petitioner to delete Respondent No.2 and 3. Amendment to be carried out forthwith. Re-verification is dispensed with.

2. Rule. Learned counsel for Respondent No.1 waives service of Notice. Rule made returnable forthwith.

3. This petition is filed for seeking directions against the Respondent No.1 to decide the stay application as well as Appeal under Section 39(3) of the Maharashtra Village Panchayat Act, 1955 which is filed for challenging the order of learned Divisional Commissioner, Konkan Division.

4. Learned Additional Government Pleader appearing for Respondent No.1 placed reliance on record communication dated 01/03/2023 thereby intimating that the Appeal is fixed for hearing through Video Conferencing on 15/03/2023 at 3.00p.m. Advocate appearing for the Petitioner states that though the Appeal is on board on 15/03/2023 there is urgency in the matter, as elections are likely to be declared anytime. Hence, he submits that in the event appeal is not heard on the

date fixed, then his application for stay on the date fixed for hearing of the said, application for stay may be decided.

5. Since the appeal is already fixed for hearing on 15/03/2023, this writ petition can be decided by issuing following directions:

- a) The appeal filed by the Petitioner bearing No.BPN-2022-PK-202/PR-6 fixed for hearing on 15/03/2023 at 3.00p.m. as per communication dated 01/03/2023 to be heard on the assigned date. In the event, the appeal is not heard on the assigned date, the application filed by the Petitioner for interim stay shall be heard and decided on the assigned date.
- b) Appeal filed by the Petitioner to be decided within a maximum period of four weeks from the assigned date and the order to be communicated to the Petitioner within the period of one week from the date of decision.
- c) In the event, any adverse order is passed against the Petitioner, the order will not be given effect to, for a period of 2 weeks from the communication of such order.
- d) It is made clear that we have not expressed any view on the merits of the writ petition as well as the appeal filed by the writ petitioners.
- e) All contentions of the parties are kept open

f) If under unavoidable circumstances, the appeal or the application for interim stay is not heard on the assigned date, the Petitioner will be at liberty to take out appropriate proceedings for restoration of the present Writ Petition and seek necessary reliefs.

g) Petition is disposed of in the above terms. Rule is made absolute accordingly.

f) Parties to act on authenticated copy of this order.

GAURI GODSE, J.

R.D.DHANUKA, J.