



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

WRIT PETITION NO. 11805 OF 2023

Kalpana Tanaji Gaikwad

.Petitioner

Vs.

The State of Maharashtra & ors.

.Respondents

Mr. Nilesh Wable, Advocate, for the Petitioner

Mr. Kalpesh U. Patil, Advocate, for Respondent No. 6

Mr. P. G. Sawant, AGP, for the Respondent - State

CORAM : MADHAV J. JAMDAR, J.

DATE : 19.10.2023

P. C.

1. At the outset, Mr. Patil, learned counsel appearing for Respondent No. 6 raises an objection to the maintainability of the Petition on the ground that there is an alternate remedy under Section 39(3) of the Maharashtra Village Panchayats Act.

2. By the present Petition filed under Article 227 of the Constitution of India, the Petitioner is challenging the legality and validity of the order dated 22.08.2023 passed by the Divisional Commissioner, Pune Division, Pune under Section 39(1) of the said Act. There is a statutory remedy of filing an Appeal before the State Government as provided under Sub Section 3 of Section 39 of the said Act. Therefore, the Writ

Petition is dismissed on the ground that there is an alternate remedy.

3. It is clarified that this Court has not examined merits of the matter and all the contentions on merits are expressly kept open.

(MADHAV J. JAMDAR, J.)