

Anand

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

WRIT PETITION NO. 15880 OF 2023

Rupali Vijay Karle

.Petitioner

Vs.

The State of Maharashtra through the Principal
Secretary, Mumbai & ors.

.Respondents

Mr. Drupad S. Patil a/w. Mr. N. S. Pansare, Advocate, for the
Petitioner

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

Mr. Tushar Sonawane a/w. Mr. Ritwik Joshi, Advocate, for
Respondent Nos. 3 to 8

CORAM : MADHAV J. JAMDAR, J.

DATE : 20.12.2023

P. C.

1. Heard Mr. Patil, learned Counsel appearing for the
Petitioner, Mr. Sawant, learned AGP appearing for the
Respondent – State and Mr. Sonawane, learned Counsel
appearing for Respondent Nos. 3 to 8.

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 03.11.2023 passed by the
Divisional Commissioner, Pune Division, Pune in Vikas/Gram
Panchayat/SR-22/2023.

3. Mr. Patil submitted that the Appeal has been filed before the State Government under Section 39(3) of the Maharashtra Village Panchayats Act challenging the same order dated 03.11.2023 and as the said Appeal as well as Stay Application filed in the Appeal have not been considered, the present Writ Petition is filed.

4. Mr. Sonawane, learned Counsel appearing for Respondent Nos. 3 to 8 submitted that his client has received notice dated 19.12.2023. He tenders two separate letters dated 19.12.2023 issued by the Desk Officer, Government of Maharashtra (Rural Development Department) bearing same outward number informing that the Hon'ble Minister will hear the Appeal through video conferencing on 20.12.2023 at 3.00 p. m..

5. In view of this, nothing survives for consideration in the present Writ Petition.

6. However, till the Hon'ble Minister decides the Appeal and for seven days thereafter, the Order dated 03.11.2023

passed by the Divisional Commissioner, Pune Division, Pune in Vikas/Gram Panchayat/SR-22/2023 shall not be implemented.

7. It is clarified that this Court has not considered the merits and contentions on merits of all the parties are expressly kept open.

8. The Writ Petition is disposed of subject to above.

(MADHAV J. JAMDAR, J.)