



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION No.2356 OF 2024

(Tumeshwar s/o. Kuwarlal Katre Vs. The Additional Commissioner, Nagpur and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. S.S. Dorle, Advocate for petitioner.
Mr. P.P. Pendke, AGP for respondent Nos.1 & 5.
Mr. Pushkar A. Deshpande, Advocate for respondent No.4.

CORAM : ANIL S. KILOR, J.

DATE : 15th APRIL, 2024.

1. In this writ petition disqualification of the petitioner under Section 39(1) of the Maharashtra Village Panchayats Act, 1958 as a Sarpanch of village Gondekhari, Tahsil Goregaon, District Gondia is under challenge on the ground that though the appeal is filed before the Hon'ble Minister, from last three months, he has not even issued notice and he is not inclined to proceed with the matter. It is submitted that under the Maharashtra Village Panchayats Act, 1958 such appeal is to be decided within one month from the date of receipt of appeal.

2. Since this Court is not entertaining the challenge to the disqualification and intending to direct the Hon'ble Minister to decide the appeal within stipulated time, such order is an innocuous order and, therefore, I do not find it necessary to issue notices to the other respondents.

3. I find substance in the submission of learned

counsel for the petitioner that despite there is a specific provision, namely, sub-section (3) of Section 39 which says that State Government shall decide the appeal within a period of one month from the date of receipt thereof, the Hon'ble Minister is not proceeding in the matter, namely, the appeal filed on 22.1.2024.

4. In the circumstances, for ends of justice I am of the opinion that it is necessary to direct the Hon'ble Minister to decide the appeal at the earliest and in any case within one month from the date of appearance of the parties.

5. Accordingly, the writ petition is disposed of with a direction to the Hon'ble Minister respondent No.5 to decide the appeal preferred by the petitioner raising a challenge to the order dated 12.1.2024, within one month from the date of appearance of the parties.

6. The parties are directed to appear before the Hon'ble Minister on 22nd April, 2024 at 12.00 noon.

(ANIL S. KILOR, J.)