



25-2025

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

WRIT PETITION NO. 525 OF 2025

(Anilkumar s/o Tejlal Soyam Vs. The State of Maharashtra, through its Principal Secretary & Ors.)

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

Court's or Judge's orders.

Mr. Hrishikesh Chitaley, Counsel for the petitioner.
Ms K.P. Marpakwar, A.G.P. for respondent nos. 1 and 2/State.

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CORAM : ANIL L. PANSARE, J.
FEBRUARY 4, 2025

On 29/1/2025, following order was
passed :

“The petitioner has challenged order dated 14/1/2025 passed by respondent no.2 – Additional Commissioner, Nagpur Division, Nagpur, under the provisions of the Maharashtra Village Panchayats Act, 1959 (for short ‘Act of 1959’).

2] The petitioner’s Counsel has invited my attention to sub-section 3 of Section 39 of the Act of 1959 to contend that the appellate authority, i.e., respondent no.1, ought to decide the appeal within stipulated time, i.e., within one month.

3] In this context, the learned A.G.P. has pointed out that the impugned order is dated 14/1/2025. The petitioner has presented the appeal on 22/1/2025. Sub-section 3 of Section 39 of the Act of 1959 provides that the appeal shall be decided within a period of one month from the date of receipt thereof. Thus, one month will conclude on or about 22/2/2025. The present petition is filed on 27/1/2025. Thus, the petition has been filed within five days of filing appeal before respondent no.1. The petitioner is questioning respondent no.1’s ability to decide the appeal within stipulated time. The petitioner is not even seeking direction against respondent no.1 to decide the

appeal within stipulated time, which he cannot because the petitioner is aware that time has not yet completed.

4] Thus, order dated 14/1/2025 passed by respondent no.2 is challenged before respondent no.1 on 22/1/2025 and same prayer is made before this Court within five days thereafter, i.e., on 27/1/2025.

5] The petitioner shall justify filing petition, and show cause as to why exemplary cost should not be imposed for filing such petition.

6] As requested by the petitioner's Counsel, stand over to 4/2/2025."

2] The learned Counsel for the petitioner, on instructions, seeks permission to withdraw the petition and pursue the appeal.

3] Permission is granted. The petition is dismissed as withdrawn with cost of Rs.5,000/- to be deposited by the petitioner with the Government Pleader's Library, High Court, Nagpur. Upon producing receipt of depositing cost, the Appellate Authority shall proceed to hear the appeal, including the interim relief so sought by the petitioner.

4] The petitioner shall appear before the Appellate Authority on 10/2/2025 at 11:00 am. The Appellate Authority shall hear the petitioner on interim relief and pass appropriate orders in accordance with law.

5] The learned Counsel for the petitioner submits that the Appellate Authority may not decide the appeal within the stipulated time.

6] If the appeal is not decided within 30 days from the date of filing of appeal, the petitioner is at liberty to approach this Court for appropriate remedy.

7] The learned A.G.P. shall forward copy of order to the Appellate Authority.

(ANIL L. PANSARE, J.)

Sumit