



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

WRIT PETITION NO. 3000 OF 2025

(Ku. Himani d/o Dashrath Wakudkar Vs. State of Maharashtra & Ors.)

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

Court's or Judge's orders.

Mr. O.A. Ghare, Counsel for the petitioner.

Ms PC. Bawankule, A.G.P for respondent nos. 1 and 2/State.

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CORAM : ANIL L. PANSARE, J.
JUNE 13, 2025

This is yet another petition, where respondent no.1 failed to act in terms of mandate of Section 39(3) of the Maharashtra Village Panchayats Act, 1959 (for short "Act of 1959"). Since this failure was found repeatedly, this Court, in Writ Petition No. 1465/2025, passed following operative order :

"ORDER

I] Since the appeal filed before respondent no.1 has been decided, until the order is uploaded, the order impugned, viz., order dated 14/1/2025 passed by respondent no.2, shall stand stayed.

II] The guidelines issued by the Division Bench in Balwantraai Parekh's case, including guidelines referred to in its judgment, are made applicable to the proceedings under the Act of 1959.

III] The appeals filed under Section 39(3) of the Act of 1959 shall be decided within one month from the date of its receipt in accordance with law.

IV] The appellate authority shall decide application seeking stay to the order challenged within fifteen days of its filing.

V] If the interim application seeking stay to the order challenged before the appellate authority under Section 39 of the Act of 1959 is not decided within fifteen days of presentation

of appeal, the order impugned shall stand stayed pending appeal.

VI] If the application seeking stay is rejected and appeal is not decided within one month of the date of its filing, the order impugned shall stand stayed until the appeal is decided.

VII] The petition is disposed of in above terms. No costs."

2] As could be seen, the Court held that appeals filed under Section 39(3) of the Act of 1959 shall be decided within one month from the date of its receipt in accordance with law, and further the application seeking stay shall be decided within fifteen days of its filing, and if application for stay is refused and if appeal is not decided within thirty days, the impugned order shall stand stayed until appeal is decided.

3] In the present case, the appeal has been filed on 16/4/2025. The stay application has been filed but not decided, which would amount to refusal to stay the impugned order. Further, the appeal has been not decided within one month and, therefore, the impugned order assailed before the respondent no.1 shall stand automatically stayed.

4] As such, the petitioner ought not to have approached this Court. Order dated 8/5/2025 was passed in Writ Petition No. 1465/2025 with the only intention that persons, like the petitioner, should not approach the High Court for failure of respondent no.1 to decide appeal in terms of the provisions of the Act of 1959. In other words, because of repeated failure of respondent no.1 to decide appeal within time, order dated 8/5/2025 came to

be passed, by which an arrangement has been made that failure of respondent no.1 to decide appeal within stipulated time will result in automatic stay to the impugned order assailed before respondent no.1.

5] Taking aid of the aforesaid finding, the petitioner could have well approached the concerned authority with the contention that the impugned order stands stayed and no further action could be taken.

6] The petitioner, at this stage, seeks permission to withdraw the petition with liberty to approach respondent no.4 with the benefits as extended under order dated 8/5/2025 passed in Writ Petition No. 1465/2025.

7] Permission is granted. The petition is disposed of as withdrawn with liberty as prayed for.

(ANIL L. PANSARE, J.)

Sumit