



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No.8103/2025
Manoj V Hon'ble Minister 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. C.S. Kaptan, Senior Advocate a/b Mr. R.S. Kalangiware, Advocate for petitioner.
Mrs. Jachak, Advocate for resp. no.3.
Mr. S.M. Awachar, Advocate and Mr. G.D. Thakare, Advocate for respondent no.4/Caveator.
Mr. Narale, AGP for resp. nos. 1, 2 and 5.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 17-12-2025.

- . Heard Mr. Kaptan, learned Senior Counsel for the petitioner.
2. By this petition, the petitioner has challenged order dated 13-11-2025 passed by respondent no.2/Additional Commissioner, Amravati under Section 39(1) of the Maharashtra Village Panchayats Act, 1959 (for short, 'the said Act') and has also alternatively prayed for directions to respondent no.1/ the Hon'ble Minister, Department of Rural Development to decide the appeal filed by the petitioner on 20-11-2025 under Section 39-A of the said Act within a time bound programme.
3. As regards the relief claimed by way of alternate relief, learned Senior Counsel for petitioner relied upon judgment of Coordinate Bench of this Court in the matter of M/s Suvarn Rajaram Bandekar vs State of Goa and others passed in LD-VC-CW-115-2020 dated 14-08-2020 (Coram : Dama Seshadri Naidu, J.) and by adverting my attention to para no.28 of the said judgment submitted that since there is no order on the appeal filed by the petitioner and considering the grievance raised by the petitioner the instant petition be entertained. Having regard to the

position of law laid down in this judgment, the appeal is taken up for final hearing.

4. Learned Senior Counsel for the petitioner submits that the petitioner is disqualified by virtue of orders passed by the Additional Commissioner on 13-11-2025 under Section 39(1) of the Act for alleged breach of protocol in the official programme of Bhumi Pujan of Government works. It is submitted that the petitioner has raised challenge to the said order by filing Appeal Under Section 39(3) of the Act before respondent no.1 and the office of respondent no.1 has not even registered the appeal. As a result, the appeal remains pending and the challenge raised by the petitioner is not adjudicated. By inviting my attention to provisions of Section 39(3) of the Act it is pointed out that the provision requires the appeal to be decided within a period of one month, however, since the appeal itself is not registered, the appeal is not taken up for hearing.

5. Learned AGP for respondent nos.1, 2 and 5, Mrs. Jachak, learned Advocate for respondent no.3 and Mr. Awachar with Mr. Thakare, learned Advocates for respondent no.4 although oppose the petition, however, do not dispute that the appeal is filed by the petitioner which is pending before respondent no.1.

6. Having regard to the fact that the petitioner has already filed an appeal under Section 39(3) of the Act before respondent no.1 instead of entertaining challenge to the order under Section 39(1) of the Act passed by the Additional Commissioner, it is in the interest of justice that the appeal is directed to be decided within the time stipulated in

accordance with the provisions of Section 39(3) of the Act. Hence, on this limited aspect, writ petition is disposed of by issuing directions to respondent no.1 to register the appeal filed by the petitioner on 20-11-2025 and after registration of the appeal to take immediate steps for getting the notices served and on service of notice to decide the appeal within a period of one month from that date.

7. It is pointed out that the parties to this petition are directed to take note of this order and appear before respondent no.1 on 25-12-2025. Respondent no.1 is directed to decide the appeal within a period of one month thereafter in accordance with provisions of Section 39(3) of the Act.

8. Considering the controversy involved and the submissions advanced, the parties are directed to maintain status quo as on today, during pendency of the appeal before respondent no.1

9. In view of this, writ petition is disposed of.

(Prafulla S. Khubalkar, J.)