

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.7711 OF 2015

01 Shahurao s/o Deorao Laad,
age: 56 years, Occ: Agriculture;

02 Machindra s/o Shahurao Shinde,
age: 51 years, Occ: Agriculture;

03 Sarubai w/o Bhimrao Surwase;
age: 60 years, Occ: Household,

04 Kaveri w/o Eknath Laad,
age: 38 years, Occ: Household;

All R/o Chikhali Nath,
Tq.Patoda, District Beed.

Petitioners

Versus

01 State of Maharashtra,
through Secretary,
Rural Development Department,
Mantralaya, Mumbai 400 032.

02 The Divisional Commissioner,
Aurangabad.

03 The Collector & District Election
Officer, Beed, District Beed.

04 Tahsildar, Patoda,
Tq. Patoda, District Beed.

05 Block Development Officer,
Panchayat Samiti Patoda,
Tq.Patoda, District Beed.

Respondents

06 Gram Panchayat Chikhli
Nath, Tq. Patoda, Dist.Beed.

Deleted vide Court's
order dated 04.08.2015.

Mr.G.K.Thigle, advocate holding for Mr.S.M.Sangale, advocate for petitioners.

Mr.N.B.Patil, A.G.P. for Respondents No.1 to 4.

Respondent No.5 served.

Respondent No.6 deleted vide Court's order dated 04.08.2015.

CORAM : R.M.BORDE &

P.R.BORA, JJ.

DATE : 25th August, 2015

ORAL JUDGMENT (Per R.M.Borde, J.):

1 Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.

2 Petitioners are praying for issuance of directions to the Collector to fill in vacancy in the office of Sarpanch, Village Panchayat Chikhali Nath, Tq. Patoda, District Beed. The vacancy has arisen as a result of passing of motion of 'No Confidence' against the Sarpanch who was holding the post earlier. The motion of no confidence was passed against the earlier Sarpanch on 20.03.2015 and as such, he came to be removed from the said post. The appeal presented by the outgoing Sarpanch has been dismissed by the Collector and the order of dismissal has attained finality in view of withdrawal of Writ Petition No.5550 of 2015 presented by the outgoing Sarpanch. Thus the vacancy has arisen in the office of Sarpanch of Village Panchayat, which is required to be filled in within a period of thirty days from the date of occurrence of such vacancy in view of proviso to Section 43(1) of the Maharashtra Village Panchayats Act (Act No.III of 1959). The Collector is legally bound to fill in the vacancy in the office of Sarpanch within stipulated period.

3 In this view of the matter, the Collector is directed to take steps for filling in vacancy in the office of Sarpanch, Village Panchayat Chikhali Nath, Tq. Patoda, District Beed, and hold the meeting for electing the Sarpanch of Village Panchayat Chikhali Nath, Tq. Patoda, District Beed, within a period stipulated in proviso to Section 43(1) of the Maharashtra Village Panchayats Act.

4 Rule is accordingly made absolute. There shall be no order as to costs.

P.R.BORA
JUDGE

adb/wp771115

R.M.BORDE
JUDGE