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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.13269 OF 2015
IN
WRIT PETITION NO.807 OF 2014

The State of Maharashtra and Others

APPLICANTS

VERSUS

Kantilal Ambaji Dangde & others

RESPONDENTS

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Mr. S. K. Tambe, AGP for applicants - State

Mr. S. R. Zambre h/f Mr. N. V. Gaware, Advocate for R-5

Mr. Sk.Wajeed Ahmed h/f Mr.S.T.Shelke, Adv for respondent No.4

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 15th OCTOBER, 2015

ORDER :

1. Present civil application has been moved by applicants – State seeking permission to conduct election of *Sarpancha* and *Upsarpancha* of Gram Panchayat Deulgaon Galande, Taluka - Shrigonda, District Ahmednagar.
2. The application has been moved since this court, under order dated 27th January, 2014 had restrained election to the post of *Sarpancha* and Member of Gram Panchayat Deulgaon Galande, Taluka - Shrigonda, District Ahmednagar, held by the petitioner. It is further being pointed out that said order has

been continued from time to time and is still operating.

3. Mr. Tambe, learned Assistant Government Pleader refers to that term for which the original petitioner - present respondent No.1 was elected, as *Sarpancha*, has already been over. Subsequently, elections of said Gram Panchayat for the next term for the period 2015-2020 have been held and the petitioner is not elected in said elections.

4. With the efflux of time earlier term of the Gram Panchayat having been over, operation of the order in natural course ought to be considered as extinguished and abated. However, the authorities apprehend, since order is being continued from time to time, election of *Sarpancha* and *Upsarpancha* of Gram Panchayat Deulgaon Galande, Taluka - Shrigonda, District Ahmednagar may not be proper and release from restraint, to a large extent would clear the way. In the circumstances, they have approached the court under present civil application.

5. This aforesaid factual position, with regard to new term having commenced from 2015 to 2020 being not in dispute and the petitioner having not been elected in the next term, the efficacy of order dated 27th January, 2014 in writ petition No.807 of 2014 under clause "8" would come to an end. With the efflux

of time and with expiry of term of election of the petitioner stands worked out.

6. As such, civil application stands granted in terms of prayer clause "B" and stands disposed of.

[SUNIL P. DESHMUKH, J.]

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