

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3980 OF 2015

Mahadev Changu Patil ... Petitioner

V/s.

The President
Zilla Parishad Raigad & others. ... Respondents

Mr. Ganesh K. Sovani for the petitioner.

Mr. Pradeep Patil a/w. Sachin Bagal for respondent no.1.
Mr. C.G. Gavnekar for respondent no.2.

**CORAM : NARESH H. PATIL AND
V.L. ACHLIYA, JJ.**

18th April, 2015.

P.C.

The petitioner, a Chairman of Panchayat Samiti of Mhasala tendered his resignation to the President of Zilla Parishad, Raigad on 7th April, 2015. On the same day, petitioner addressed a communication and sought to withdraw the said resignation. Communication was addressed to President and CEO of Zilla Parishad.

2. Learned Counsel for the petitioner submitted that as per rules the petitioner has 7 days time to withdraw his resignation. The resignation letter was submitted under pressure. Two signatures of persons were not appearing in the original resignation letter submitted in the prescribed proforma by the petitioner. So a fraud was played upon with a sole object to hold a fresh election by accepting the application of resignation.

3. Learned Counsel appearing for respondents have referred to provisions of Section 38 and 71 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961. It is submitted that Maharashtra Zilla Parishads (Councillors) and Panchayat Samitis (Members) Resignation) Rules, 1962 are framed for the purposes of members and not the Chairman. Maharashtra Zilla Parishads and Panchayat Samitis (Delivery of Notice of Resignation) Rules, 1965 are not applicable to the petitioner.

4. We have perused the original record placed before us by the Counsel appearing for the Zilla Parishad.

5. The grounds raised herein relate to disputed questions of facts. Prima-facie we are not satisfied to interfere into the matter. The election to elect a new Chairman of Panchayat Samiti is scheduled today at 2'o

clock. In exercise of our extraordinary writ jurisdiction, no interference is warranted. Writ Petition is dismissed.

(V.L. ACHLIYA, J.)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.