

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

WRIT PETITION NO.4989/2015

Madhukar s/o Bhikaji Karwate
...Versus...
The District Collector, Akola and others

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

Court's or Judge's orders

Shri S.V. Sohoni, Advocate for petitioner
Shri D.M. Kale, AGP for respondent nos.1 and 2

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : 31.08.2015

By this petition, the petitioner seeks a direction to the respondent no.1 to modify the roster prepared by him and direct him to reserve the post of Sarpanch for any other category as per the norms/rules and then hold the elections for the post of Sarpanch, Gram Panchayat, Patsul.

According to the petitioner, the post of Sarpanch is earmarked for the Scheduled Tribes for the term from 2015 to 2020. According to the petitioner, no member from the Scheduled Tribes is elected to the Gram Panchayat. It is stated that in the absence of any elected member from the Scheduled Tribes, it would not be possible to elect the Sarpanch from the Scheduled Tribes category and steps under Rule 4 A of the Bombay Village Panchayat (Sarpanch and Upa-Sarpanch) Election Rules, 1964 will be required to be initiated. It is stated

that the respondent nos.1 and 2 are not taking any action as per the provisions of Rule 4 A of the Rules of 1964.

Shri Kale, the learned Assistant Government Pleader appearing on behalf of the respondent nos.1 and 2 states that in the meeting of election dated 27.8.2015, the Sarpanch was not elected. It is stated that in the said meeting only the Upa-Sarpanch was elected. It is stated that in the circumstances of the case, the respondent nos.1 and 2 would be required to proceed under the provisions of Rule 4 A of the Rules of 1964, while electing a Sarpanch of Gram Panchayat, Patsul.

In view of the statement made by the learned Assistant Government Pleader, the grievance of the petitioner would stand redressed. Hence, the writ petition is disposed of by accepting the statement made on behalf of the respondent nos.1 and 2 with no order as to costs.

JUDGE

JUDGE

Wadkar