

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.5213/2015

(Chandrashekhar s/o Samdeo kawale vs. State of Maharashtra and others)

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

Court's or Judge's order

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Mr. V.K. Gulhane, Advocate for the petitioner
Ms.T.Khan, Assistant Govt. Pleader for Respondents

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

DATED : 8th September, 2015.

Heard.

By this Petition, the petitioner seeks a direction to the respondent no.2- Presiding Officer to prevent the respondent no.3 from casting her vote in the election of Sarpanch and Upsarnach, scheduled on 8.9.2015.

According to the petitioner, the respondent no.3 has not submitted the caste validity certificate within four months from the date of the declaration of the results of the election to the Gram Panchayat though she had contested the election to a reserved seat. It is stated that in view of the provisions of Section 10-1A of the Maharashtra Village Panchayats Act, the election of the respondent no.3 shall be deemed to have been terminated and she is deemed to be disqualified from being a Member of the Gram Panchayat as she had failed to produce the caste validity certificate.

On hearing the learned counsel for the parties, it appears that the question in regard to the disability from continuing as a Member of the Panchayat could be raised before the Collector by an application made by any person in that behalf and the Collector is required to decide the said question, as provided by Section 16(2) of the Act. The decision of the Collector on a question whether a vacancy has occurred is appealable and the Appeal would lie before the State Government.

Instead of availing the remedy provided under the Maharashtra Village Panchayats Act, the petitioner has rushed to this Court seeking an order restraining the respondent no.3 from casting her vote at the election scheduled on 8.9.2015.

In view of the existence of an alternate efficacious remedy, we decline to entertain the Writ Petition.

The Writ Petition is disposed of, with no order as to costs.

JUDGE

JUDGE

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