

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.2240 OF 2016

Shivaji s/o Anandrao Jadhav & others

Petitioners

Versus

State of Maharashtra & others

Respondents

Mr.P.B.Rakhunde, advocate for petitioners
Mr.S.S.Dande, A.G.P. for Respondents.

**CORAM : R.M.BORDE &
A.I.S.CHEEMA, JJ.
DATE : 24th February, 2016**

PER COURT:

1 Petitioners are praying for directions to postpone election of Sarpanch and Upa Sarpanch until filling of two vacancies of members of Village Panchayat.

2 The total strength of Village Panchayat is of Seven Members. It is contended that during General Elections of the Village Panchayat, one seat was not filled in for the reason that no individual belonging to the concerned reserved category opted to file nomination paper at the General Elections. It is further pointed out that one elected member, who was also elected as Sarpanch, passed away on 29.11.2015 and as such, one more seat has fallen vacant. Petitioners contend that since there are two vacancies in the Village Panchayat, it is desirable that election scheduled to be held for electing Sarpanch shall be postponed.

3 Request made by the petitioners has no legal foundation. In view of provisions of Section 10(4) of the

Maharashtra Village Panchayats Act, the Village Panchayat is constituted on election of two-thirds or more of the total number of members required to be elected. In the instant matter, the Village Panchayat consists of more than two-thirds of total number of members. The present strength of Five Members fulfill requirement of requisite quorum for holding meetings of the Village Panchayat.

4 In this view of the matter, Respondent-State is justified in directing holding of election of Sarpanch. The elected office of Village Panchayat need not unnecessarily be kept vacant for a longer duration. Writ Petition is devoid of substance.

5 Writ Petition stands dismissed.

A.I.S.CHEEMA
JUDGE

adb/wp224016

R.M.BORDE
JUDGE