

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO.3719 OF 2016

(Sau. Mamta w/o Arun Bankar and others ..vs.. The Addl. Collector, Chandrapur and others)

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 07-07-2016

Heard Shri Y.N. Thengre, Advocate for the petitioners and Shri K.R. Lule, Assistant Government Pleader for the respondent Nos. 1 and 2.

2. The meeting of the members of Gram-Panchayat was scheduled on 12-09-2015 at 2.00 p.m. for electing *Sarpanch* and *Up-Sarpanch*. As the required quorum was not available, the meeting was adjourned as per Rule 11(2) of the Maharashtra Village Panchayats (*Sarpanch* and *Up-Sarpanch*) Election Rules, 1964 (hereinafter referred to as "the Election Rules of 1964"). The proceedings of meeting dated 12-09-2015 show that the meeting was adjourned for 13-09-2015 at 10-00 a.m. The proceedings further show that the respondent Nos.6 to 8 signed the proceedings of the meeting dated 12-09-2015.

The adjourned meeting was held on 13-09-2015 at 10-00 a.m. which was attended by three out of seven members i.e. only by the petitioners. The petitioner No.1 was elected as *Sarpanch* and the petitioner No.2 was

elected as *Up-Sarpanch* in this meeting. The election of the petitioner Nos. 1 and 2 was challenged by the respondent Nos.5 to 8 before the Collector, Chandrapur by filing an application under Section 33 of the Maharashtra Village Panchayats Act. The learned Collector, after examining all the relevant aspects, by the order dated 22-01-2016, allowed the application filed by the respondent Nos.5 to 8 and cancelled the elections held in the meeting dated 13-09-2015. The learned Collector relied upon Rule 11(4) of the Election Rules, 1964 which lays down that the meeting adjourned under sub-rule (2) or (3) of Rule 11 of the Election Rules of 1964 shall be held again on the next day at the same place and hour.

The petitioners challenged the order passed by the learned Collector, in appeal. The learned Deputy Commissioner, by the impugned order, has dismissed the appeal filed by the petitioners.

3. The contention on behalf of the petitioners is that the respondent Nos.6 to 8 were aware that the adjourned meeting was to be held on 13-09-2015 at 10-00 a.m. and therefore, the elections of the petitioner Nos.1 and 2 in the meeting held on 13-09-2015 could not have been quashed on the ground that the adjourned meeting should have been held on 13-09-2015 at 2-00 p.m.

4. Even if the submission made on behalf of the petitioners is accepted, there is nothing on record to show that the respondent No.5 was aware that the adjourned meeting was scheduled for 13-09-2015 at 10-00 a.m. As per the mandate of Rule 11(4) of the Election Rules, 1964, the adjourned meeting should have been held on the next day at the same time, in this case on 13-09-2015 at 2.00 p.m.

5. The orders passed by the subordinate authorities are based on proper consideration of the provisions of Rule 11(4) of the Election Rules of 1964. I see no reason to interfere with the impugned orders.

The petition is dismissed. The parties to bear their own costs.

JUDGE

adgokar