

UNREPORTED

**IN THE HIGH COURT OF JUDICATURE
AT BOMBAY**

BENCH AT AURANGABAD.

WRIT PETITION NO.12777 OF 2017

Hamumant Shankar Dalvi,
Age 41 years, Occ.Agriculture,
R/o Jawalake, Tal.Jamkhed,
Dist.Ahmednagar. ... Petitioner.

Versus

1. The State of Maharashtra
through its Principal
Secretary, Rural Development
Department, Mantralaya,
Mumbai-32.

2. The Additional Collector,
Ahmednagar.

3. The Tahsildar,
Tahsil Office, Jamkhed,
Tal.Jamkhed, Dist.Ahmednagar.

4. Maharashtra State Election
Commission through its
Chief Election Commissioner,
Mumbai. ... Respondents.

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Mr.V.S.Undre, advocate for the petitioner.
Mr.S.B.Yawalkar, Additional Government Pleader
for the State.
Mr.Shivaji T.Shelke, advocate for Respondent
No.4.

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**WITH
WRIT PETITION NO.12781 OF 2017**

Jayashree Tanaji Walunjkar,
 Age major, Occ.household and
 Agriculture,R/o Jawalake,
 Tal. Jamkhed,Dist.
 Ahmednagar. ... Petitioner.

Versus

1. The State of Maharashtra
 through its Principal Secretary,
 Rural Development Department,
 Mantralaya, Mumbai-32.

2. The Additional Commissioner,
 Nashik Division, Nashik.

3. The Additional Collector,
 Ahmednagar.

4. The Tahsildar, Tahsil
 Office, Jamkhed, Tal.
 Jamkhed, Dist.Ahmednagar.

5. Maharashtra State
 Election Commission through
 its Chief Election Commissioner
 Mumbai. ... Respondents.

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Mr.V.S.Undre, advocate for the petitioner.
 Mr.P.S.Patil, Additional Government Pleader for
 the State.
 Mr.Shivaji T.Shelke, advocate for Respondent
 No.5.

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**CORAM : S.V.GANGAPURWALA AND
 SMT.VIBHA KANKANWADI,JJ.**

Date : 02.11.2017.

ORAL JUDGMENT (Per S.V.Gangapurwala, J.)

1. Rule. Rule returnable forthwith. With the consent of the learned counsel for the parties, the petitions are taken up for final hearing.

2. Mr.Yawalkar, learned Additional Government Pleader waives service of Rule for Respondent Nos.1 to 3 in W.P.No.12777/2017 and Mr.P.S.Patil, learned Additional Government Pleader waives service of Rule for Respondent Nos.1 to 4 in W.P.No.12781/2017.

3. Mr.Shelke, learned counsel waives service of Rule for Election Commissioner.

4. We have heard learned counsel for respective parties.

5. The petitioners are the members of the Grampanchayat. On the ground of non-submission of validity certificates within stipulated period of six (6) months as required U/s 10-1A of the Maharashtra Village Panchayats Act, the

petitioners are disqualified under the impugned orders.

6. The Full Bench of this Court in the case of **"Anant H.Ulahalkar and another Vs.Chief Election Commissioner and others"** reported in **2017 (1) Mh.L.J. 431**, had held that provisions of Section 10-1A of Maharashtra Village Panchayats Act, to be mandatory and the said judgment is stayed by the Apex Court in Special Leave to Appeal Nos.29874-29875 of 2016.

7. In light of the above, the impugned orders are quashed and set aside. The Respondent-authority is entitled to take further course of action depending upon the judgment that would be delivered by the Apex Court in the above referred matters.

8. Rule accordingly made absolute in above terms. No costs.

Sd/-

Sd/-

(SMT.VIBHA KANKANWADI, J.) (S.V.GANGAPURWALA, J.)

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