

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

919 WRIT PETITION NO. 13756 OF 2017

UJJANBAI POPAT MORE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. S.P. Chate
AGP for Respondents:Mr. S.B. Yawalkar
Advocate for Respondent No.2 :Mr. S.T. Shelke

...
CORAM : R. M. BORDE & VIBHA KANKANWADI, JJ.
Date: December 05, 2017
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PER COURT :-

1 The petitioner is praying for issuance of direction to respondents not to hold elections for the post of Upasarpncha; since there are three vacancies of members in the village Panchayat. The Village Panchayat consists of 11 members, out of which, three seats are stated to be vacant. It is stated that until holding of elections for filling the vacant seats of members, elections to the post of Upasarpncha shall be postponed.

2 The argument is devoid of substance in view of subsection 4 of section 10 of the Maharashtra Village Panchayat Act. The village panchayat shall be deemed to have been constituted on elections of 2/3rd or more total number of members required to be elected and failure to elect remaining number of members shall not affect the constitution of Village Panchayat.

3 For the reasons stated above, the grievance raised by the petitioner in the instant petition does not deserve consideration. The petition is devoid of substance and stands dismissed.

(VIBHA KANKANWADI, J.)

(R. M. BORDE, J.)