

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5280 OF 2017

Grampanchayat Valsang
Through the Sarpanch /
Gram Sevak

... Petitioner.

Versus

State of Maharashtra
and others

... Respondents.

....

Mr. Ashutosh M. Kulkarni a/w Mr. Vishnu Chavan and Mr. Nagesh Chavan for the Petitioner.

Ms. Nisha Mehra, AGP for Respondent Nos. 1 to 3.

Mr. Vijay Killedar for Respondent Nos. 4 and 5.

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***CORAM : Smt. Vasanti A Naik &
Riyaz I. Chagla, JJ.***

DATE : 13th November, 2017.

P.C. :

By this writ petition, the petitioner-Grampanchayat seeks a direction against the respondents to fill-up the vacant post of member of the Grampanchayat before conducting the election to the post of Sarpanch.

It is stated on behalf of the petitioner that the elections to the post of Sarpanch are scheduled on 14.11.2017. It is stated that since there are only five members in the Grampanchayat who can vote in the election for the post of Sarpanch, it would be necessary to postpone the said election and hold the same after the vancancy

caused by the resignation of the one of the members on 15.03.2017 if filled.

It would not be proper for this Court to interfere with the election of the Sarpanch, scheduled on 14.11.2017 in exercise of the writ jurisdiction. It is held by the Hon'ble Supreme Court time and again, that it would not be proper to interfere with the election process at an interlocutory stage in exercise of the writ jurisdiction. In the circumstances of the case, a direction cannot be issued against the respondents to postpone the election to the post of Sarpanch. The respondents are however free to take steps for filling the vacancy as per the provisions of the Maharashtra Village Panchayats Act. Order accordingly. No order as to costs.

(Riyaz I. Chagla J)

(Smt. Vasanti A Naik, J)