Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10628 OF 2017

Dattatraya Dnyanoba Mali .. Petitioner
Vs.
The State of Maharashtra and ors. .. Respondents

Mr.Vikram S. Undre, for the Petitioner.
Mr.B.V. Samant, AGP for Respondents No. 1 & 2.

CORAM : B.R.GAVAI &
M.S.KARNIK, JJ.

DATE : 20th SEPTEMBER, 2017

P.C. :

1. By way of the present Petition, the petitioner challenges the notice dated 12/09/2017 issued by Sarpanch and Gram Sevak for holding election to the post of Upa-Sarpanch.

2. Learned Counsel for the petitioner submits that the petitioner has already initiated the proceedings for disqualification of several members. It is therefore submitted that election programme of Upa-Sarpanch should not be notified till the proceedings initiated by the petitioner are decided by the Collector. Merely because somebody has filed the proceedings for disqualification against the

number of elected members cannot be a ground for stalling the election of Upa-Sarpanch unless the member is disqualified after following the procedure as prescribed by law. He has however right to continue as a member of Gram Panchayat. The Petition is without any merit and as such rejected.

(**M.S.KARNIK, J.**) **(B.R.GAVAI, J.)**