

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13645 OF 2017

Smt. Sumar Madhukar KharatPetitioner
versus
Shri Promod Purshottam Deshmukh and ors.Respondents

Mr. Rajaram P. Lote, advocate for the petitioner.
Mr. P. G. Sawant, AGP for the State.

**CORAM : RANJIT MORE &
SMT.ANUJA PRABHUDESSAI, JJ.**

DATE : 18th DECEMBER, 2017.

P. C. :

Heard learned counsel for the petitioner and learned AGP for the State.

2. The petitioner was elected as Sarpanch of Village Mharal in General Elections which were held in November, 2015. The said Gram Panchayat consists of 17 members. No Confidence Motion was moved by the required number of members of the Gram Panchayat and the same was also carried by $\frac{3}{4}$ majority. The petitioner thereafter filed a dispute before the Collector which was also dismissed. By this petition filed under Article 226 of the Constitution of India, the petitioner is challenging the said No Confidence Motion as well as the order passed by the Collector in the said dispute.

3. The contention of the petitioner is that out of 17 members, 4 members are disqualified either under Section 10-1A or Section 14(1)(j-5) of the Maharashtra Village Panchayats Act and, therefore, she has preferred dispute application No.37 of 2017 on 9th June, 2017. The learned counsel for the petitioner submitted that the Collector of Thane has closed this dispute application for orders after hearing the respective parties. The learned counsel for the petitioner submitted that though the Collector is obliged to decide this application within 60 days as provided under Section 16(2) of the said Act, so far he has not decided the same. The learned counsel for the petitioner also submitted that whatever order passed by the Collector in the said application would have retrospective effect. The learned counsel for the petitioner submitted that, in the above circumstances, the Collector of Thane, may be directed to decide the petitioner's dispute application No.37 of 2017 as expeditiously as possible and till then, the fresh elections to the post of Sarpanch of the said village - Mharal may not be held.

4. The learned AGP has no objection if such directions are given. However, he submitted that stay may not be granted to the elections to the post of new Sarpanch of the said village - Mharal.

5. In the above circumstances, we deem it appropriate to

dispose off this petition by directing the Collector of Thane to dispose off the petitioner's dispute application No. 37 of 2017 as expeditiously as possible and, in any case, within a period of 30 days from the date of receipt of this order. Ordered accordingly.

6. However, we are unable to accept the petitioner's prayer for staying the election process which is likely to be initiated for the post of Sarpanch of Village Mharal till the disposal of the dispute application, since No Confidence Motion is passed against her. Suffice it to say that the said election would be subject to the final outcome of the dispute application No.37 of 2017 pending before the Collector of Thane.

7. In the light of the above order, the writ petition stands disposed off.

(SMT. ANUJA PRABHUDESSAI, J.)

[RANJIT MORE, J.]