

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

**WRIT PETITION NO.2866 OF 2018**

Dharba s/o. Limbaji Chaure,  
Age: 60 years, Occu: Business,  
R/o. Jawala Bazar, Tq.Aundha Nagnath,  
Dist. Hingoli. **PETITIONER**

**VERSUS**

1. The State of Maharashtra,  
Through its Secretary,  
Rural Development Department,  
Mantralaya, Mumbai-32.
  2. The Collector, Hingoli
  3. The Chief Executive Officer,  
Zilla Parishad, Hingoli.
  4. The Extension Officer,  
Panchayat Samiti, Aundha Nagnath,  
Tq. Aundha Nagnath, Dist. Hingoli
- RESPONDENTS**

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Mr.H.I.Pathan, Advocate for the petitioner  
Ms.S.S.Raut, AGP for the Respondent/State

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**CORAM: S.S.SHINDE &  
S.M.GAVHANE, JJ.**

Date : 16.03.2018

**ORDER: (Per S.S.Shinde, J.):**

1] Not on board. On mentioning taken on  
board.

2] This Petition under Article 226 of the Constitution of India takes exception to the notice dated 12.03.2018 issued by the Presiding Officer, Jawala Bazar Gram Panchayat.

3] Learned counsel appearing for the petitioner submits that by the impugned notice dated 12<sup>th</sup> March, 2018, the Presiding Officer has called special meeting for the election of the post of Sarpanch of Grampanchayat Jawala Bazar.

4] Learned counsel appearing for the petitioner submits that the petitioner has been held disqualified as member of the Grampanchayat Jawala Bazar, Taluka Aundha Nagnath, and his appeal, challenging the order passed by the Collector, Hingoli, is pending before the Divisional Commissioner [Revenue], Aurangabad Division, Aurangabad. Therefore, he submits that till the said

appeal is decided, the respondents may be restrained from conducting the election for the post of Sarpanch.

5] On the other hand, learned AGP appearing for the respondent-State submits that the petitioner has been disqualified by the order dated 09.03.2018 by respondent no.2, and at the instance of the petitioner, the impugned notice deserves no interference. Therefore, the learned AGP submits that the Petition may be rejected.

6] We have given careful consideration to the rival submissions of the learned counsel appearing for the petitioner and learned AGP appearing for the respondent-State. With their able assistance, we have carefully perused the pleadings, grounds taken therein, and annexures thereto. Admittedly, the petitioner is disqualified as a member of the Grampanchayat Jawala Bazar.

It is stated by the learned counsel appearing for the petitioner that his appeal, challenging the order of disqualifying him as a member of the Grampanchayat, is under challenge before the Divisional Commissioner, Aurangabad Division, Aurangabad, but nothing is brought to the notice of this Court that the said Appellate Authority has granted interim protection in favour of the petitioner. Therefore, as on today, the petitioner has no right to assert as a member of the Gram Panchayat, and therefore, at his instance the impugned notice cannot be interfered. The Grampanchayat cannot function without Sarpanch, and therefore, in our opinion the impugned notice deserves no interference. Hence the Writ Petition stands rejected.

**[ S . M . GAVHANE ]**  
**JUDGE**

**[ S . S . SHINDE ]**  
**JUDGE**