

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9912 OF 2018

Bharat Bhatu Ahire & others

Petitioners

Versus

The State of Maharashtra and others

Respondents

Mr. V.H. Dighe advocate for the petitioners

Mr. D.R. Kale, AGP for respondent Nos.1, 3 and 4.

Mr. S.T. Shelke advocate for respondent No.2.

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CORAM : **R.M. BORDE AND**
MANGESH S. PATIL, JJ

Date : 7TH SEPTEMBER, 2018

PER COURT :-

1 The petitioners are objecting to the Notification published by the Election Commission on 23.8.2018, declaring the programme for electing the Members and office bearers of the Village Panchayats, Dapur, Nadavane and Indave, Tq. Sakri, District Dhule. As per the programme published by the Election Commission, the process of acceptance of nomination was scheduled to commence since 5.9.2018. The petitioners contend that the term of all these Village Panchayats has not come to an end and it would be impermissible for the State Election Commission to commence process of election prior to completion of tenure of existing Village Panchayats. It is informed that the

term of Dapur, Navadane and Indave Grampanchayats is scheduled to come to an end respectively on 7.2.2019, 16.2.2019 and 23.2.2019. The petitioners have an apprehension that in the event of completion of process of election and election of new Sarpanch and Upasarpanch, it would be difficult for the present body to continue and complete the tenure.

2 The apprehension expressed by the petitioners in the petition is misplaced. A copy of communication issued by the Tahsidlar, Sakri to the counsel representing the State Election Commission on 4.9.2018 is placed on record, wherein, it has been recorded that the term of newly elected managing committee would commence only after completion of tenure of the existing elected body. It is thus clear that though the process of electing new body for the next tenure would be completed before completion of the tenure of the existing body, newly elected body of the Village Panchayat shall assume charge only after completion of the tenure of the existing one.

3 In view of explanation as above, the grievance raised by the petitioners in the instant petition stand substantially redressed. Writ petition is accordingly disposed of.

(MANGESH S. PATIL, J)

(R.M. BORDE, J)