

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10248 OF 2018

Anita Digambar Patil & others Petitioners

Versus

The State of Maharashtra and others Respondents

Mr. D.S. Bagul advocate for the petitioners

Mr. A.B. Girase, GP 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 process of election, initiated by the State Election Commission for installing new committee in the office, before completion of tenure of the existing Village Panchayat.

2 It is contended that the tenure of the elected office bearers of Village Panchayats of village Saintane, Wawad and Isai Nagar, Tq. & Dist. Nandurbar is likely to come to an end on 29.1.2019 and it would be thus impermissible for the State to install a new

body in office replacing the existing elected body.

3 The apprehension is without any substance for the reason that even if the State Election Commission proceeds to hold elections for the next tenure, it would be impermissible for the newly elected body to assume charge before completion of tenure of the existing body.

4 In view of the provisions of Maharashtra Panchayats Act as well as constitutional scheme, the tenure of the existing body is protected and even if elections for the elected Members and office bearers of the Village Panchayat take place before completion of tenure of the existing body, such Members and office bearers shall be entitled to commence business and assume charge only after completion of tenure of the existing body.

5 In view of above, the grievance raised by the petitioners in the instant petition stands substantially redressed and the writ petition is disposed of

(MANGESH S. PATIL, J)

(R.M. BORDE, J)