

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 WRIT PETITION NO.5320 OF 2019

SATISH SUBHASH DAREKAR
 VERSUS
 THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner :Mr. Kulkarni Sanket S.
 AGP for Respondents State:Mr. S.B. Pulkundwar

CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.

DATE : 3rd May, 2019

PER COURT :

1. Learned AGP waives notice for respondents State.
2. Heard learned Advocate for the petitioner and learned AGP.
3. Grampanchayat Kombhali consists of 9 members. Out of 9 members, only 4 members are in the office. It is submitted that five members were disqualified. Now the election of Sarpanch is scheduled on 4th May, 2019 and the election for the said five vacant posts of members is scheduled on 5th May, 2019.
4. According to the petitioner, Sarpanch is to be elected from the members of the Grampanchayat. There would be no Coram for electing the Sarpanch. We had asked the learned AGP, the manner in which election of Sarpanch would be held, i.e. whether it would be amongst members or from the villagers. Learned A.G.P,

on instructions, submits that election of Sarpanch would be by the Members of the Gram Panchayat.

5. In such a case, we cannot comprehend the election of Sarpanch before election of the members for the vacant posts. The same would be unreasonable and not in consonance with the democratic principles. Out of 9 members, 5 posts are vacant. Election of Sarpanch by four members would not be an effective representation.

6. In the light of above, we direct that election of the vacant posts of the members of the Gram Panchayat, Kombhali Taluka Karjat District Ahmednagar may be held on 5th May, 2019 as scheduled. However, election of Sarpanch scheduled on 4th May, 2019 stands cancelled and the respondents may hold election of Sarpanch after 7th May, 2019 as, it is submitted that on 7th May, 2019, result would be declared of the members of the Gram Panchayat.

7. Writ petition is accordingly disposed of. No costs.

(A. M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

JPC