

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

1025 WRIT PETITION NO.11523 OF 2019

THAKUBAI DILIP DANGADE

..PETITIONER

VERSUS

THE STATE OF MAHRASHTRA AND OTHERS ..RESPONDENTS

...

Mr. S. P. Salgar h/f Mr. Niteen V. Gaware, Advocate
for the Petitioner.

Mr. P. S. Patil, AGP for Respondents-State.

...

**CORAM : S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.**

DATED : 20th SEPTEMBER, 2019.

PER COURT:-

1. Mr. Salgar, learned counsel for the petitioner submits that on erroneous ground the petitioner has been disqualified as Sarpanch and the Member of the Grampanchayat, Deulgaon Galande on 22.07.2019. The petitioner filed Statutory Appeal before State Government on 06.08.2019. As yet the State Government has not even issued notice in the said Appeal filed by the petitioner and the respondents have declared the election for the post of Sarpanch to be held today. According to learned counsel, respondents be directed to stay the election process of Sarpanch of village Deulgaon Galande. The learned counsel submits that Section 39 mandates that the appeal be decided within 30

days. The petitioner is not at fault. If the elections for the post of Sarpanch are held, irreversible position would be created.

2. We have heard the learned A.G.P.

3. The petitioner stands disqualified as Sarpanch and the Member of the Grampanchayat. Today the petitioner is not officiating as Sarpanch. The elections are only held for the post of Sarpanch. The elections are not declared for the post of Members of Grampanchayat that is the post having fallen vacant on disqualification of the petitioner as Sarpanch and Member.

4. The Appellate Authority ought to be diligent in deciding the appeal within time stipulated under the Provisions of the Maharashtra Village Panchayat Act. As per proviso to Section 43(1) of the Maharashtra Village Panchayat Act, the elections for the post of Sarpanch are to be held within a period of 30 days from the date the post fell vacant. The post of Sarpanch fell vacant on 22.07.2019. In light of that, we are not inclined to stall the election of Sarpanch.

5. If the appeal of the petitioner is allowed, the consequences would follow.

6. The Appellate Authority shall endeavour to decide the appeal filed by the petitioner

preferably within a period of one month from today.

7. With these observations, writ petition is disposed of. No costs.

8. Parties to act on authenticate copy of this order.

(ANIL S. KILOR)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/September-19