

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 6423/2017

(VIJAY RAMMJI LAMBHADE & ANOTHER VERSUS ADDITIONAL COLLECTOR, WASHIM & OTHERS)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri A.V. Band, counsel for petitioners.
 Mrs. K.R. Deshpande, A.G.P. for R-1 & 3.

CORAM : A.S. CHANDURKAR, J.

DATE : APRIL 23, 2019.

Heard finally with consent of learned counsel for the parties.

The petitioners herein have challenged the order dated 13.02.2017 passed by the Additional Commissioner upholding the disqualification of the petitioners under provisions of Section 10(1-A) of the Maharashtra Village Panchayats Act, 1958 (for short, 'the said Act') on the ground that they did not possess the requisite validity certificate in the light of the fact that they had contested the elections from reserved seats.

Insofar as petitioner no.1 is concerned, validity certificate dated 15.03.2016 is shown to have been issued. Insofar as petitioner no.2 is concerned, validity certificate dated 20.05.2016 is shown to have been issued.

After hearing the learned counsel for the parties and in the light of the amendment as brought into force by Section 8 of the Act No.LXVI of 2018, it is clear that the petitioners having obtained requisite validity certificates they could not have been disqualified under provisions of Section 10(1-A) of the said Act as amended. In view of the subsequent amendment, the election of the petitioners

is liable to be upheld. In that view of the matter, the orders dated 04.11.2016 and 08.11.2016 passed by the Additional Collector as well as the order dated 13.02.2017 passed by the Additional Commissioner disqualifying the petitioners are set aside. It is held that the petitioners are entitled to continue as members of the Gram Panchayat for remainder of the time.

The Writ Petition is allowed in aforesaid terms and disposed of. No costs.

JUDGE

APTE