

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

WRIT PETITION NO. 5497 OF 2020

Vitthal Maroti Magar

... Petitioner.

Versus

The State of Maharashtra
and others

... Respondents.

....

Mr. B.S. Chondhekar, Advocate for the Petitioner.

Mr. K.S. Patil, A.G.P. for State.

Mr. V.D. Salunke, Advocate for Respondent Nos. 8 and 9.

....

**CORAM : RAVINDRA V. GHUGE AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 24th AUGUST, 2020

PER COURT:-

1. Mr. Salunke, the learned Advocate appearing on behalf of Respondent Nos. 8 and 9 makes a grievance that though the petitioner has already faced an election during the pendency of this petition, he has carried out the amendments to the petition, with the leave of the Court, without intimating the respondents and by keeping the respondents in the dark. He further submits that this petition is not maintainable since the petitioner has a statutory efficacious remedy of approaching the District Collector against the election of a Sarpanch or a Upsarpanch under Section 33(5) of the Maharashtra Village Panchayats Act.

2. In view of the above and especially considering the statutory remedy available under Section 33(5), we called upon the learned Advocate for the petitioner to make a statement as to whether he would be giving up the said statutory remedy and would pursue this petition. He can approach the Collector within 15 days of the election under Section 33(5).

3. The learned Advocate for the petitioners submits on instructions that this petition may be permitted to be withdrawn and the petitioner would approach the District Collector, Hingoli till 5.00 p.m. on 25.05.2020 as elections were held on 10.08.2020 and the 15 days period would expire tomorrow.

4. In view of the above, this petition is disposed off as withdrawn. The petitioner would be at liberty to avail of the remedy under Section 33(5) by approaching the District Collector, Hingoli till 5.00 p.m. on 25.08.2020.

5. The litigating parties would act on the print out copy of the order obtained from Official Website of the Bombay High Court.

(SHRIKANT D. KULKARNI)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE