

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

WRIT PETITION NO. 5175 OF 2021

Ashwini Amol Dandge

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri M. R. Andhale, Advocate for the Petitioner.

Shri P. K. Lakhotiya, A.G.P. for Respondent Nos. 1 and 3.

Shri A. B. Kadethankar, Advocate for the Respondent No. 2.

**CORAM : S. V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 24TH MARCH, 2021.

FINAL ORDER :

. Mr. Andhale, the learned advocate for the petitioner submits that, the declaration of result of Gram Panchayat Wangi, Tq. Sillid is illegal. The petitioner was declared elected initially. Subsequently the record is changed. The respondents are also not issuing the documents to the petitioner as asked for.

2. Article 243(O)(b) of the Constitution of India reads thus :

THE CONSTITUTION OF INDIA

1.

243-O. Bar to interference by courts in electoral matters

.— Notwithstanding anything in this Constitution,—

(a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such

constituencies, made or purporting to be made under article 243K, shall not be called in question in any court;

(b) no election to any Panchayat shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State.

3. Perusal of the provisions of Article 243(O)(b) of the Constitution it is manifest that, no election to any Panchayat shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law by the Legislature of a State. The Maharashtra Village Panchayat Act is a law made by the Legislature of State. The same provides for filing of election petition also.

4. In view of the above, the writ petition is disposed of. No costs.

5. The petitioner may avail the remedy as may be permissible under law.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]