

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
80 WRIT PETITION NO.9916 OF 2021**

RAVINDRA BHAGWANRAO DHERE PATIL
AND OTHERS

..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Umesh A. Bhadgaonkar, Advocate for the
Petitioners.

Mr. P. K. Lakhotiya, AGP for Respondents-State.

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**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 06th SEPTEMBER, 2021.

PER COURT:-

1. Mr. Bhadgaonkar, learned counsel for petitioners submits that respondents have erroneously considered the circular and the provisions of Section 35 of the Maharashtra Village Panchayat Act. The waiting period of two years to move no confidence motion against the Sarpanch is only for a directly elected Sarpanch and not against the Sarpanch elected from amongst the members of the Grampanchayat. The said aspect is not considered.

2. The learned A.G.P. refers to the amendment carried out in Sub-section 3 of Section 35 of the Maharashtra Village Panchayat Act and submits that, the same is applicable to every Sarpanch. The act has done away with the concept of directly elected Sarpanch.

3. It appears that, the concept of directly elected Sarpanch has been done away with the amendment in the Act. Section 30A-1A of the Maharashtra Village Panchayat Act now does not find place in the statute book. The said provision dealt with the concept of directly elected Sarpanch. The said provision itself is deleted in view of the amendment to Sub-section 3 of Section 35 of the Maharashtra Village Panchayat Act. The 4th Proviso to Sub-section 3 of Section 35 of the Act would apply.

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

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE