

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

18 WRIT PETITION NO.4106 OF 2021

**GOKUL VILAS SATPUTE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner: Mr. Vijay P Latange
AGP for Respondents/State: Mr. A. R. Kale

...

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

DATE: 08th MARCH, 2021

PER COURT:

1. Mr. Latange, learned Counsel for the petitioner submits that Grampanchayat - Mandavgan was initially a Group Grampanchayat. The same was bifurcated and now Grampanchayat - Mahandulwadi was constituted and separated. In fact, the elections, thereafter, ought to be held for reminder period of 9 months but in January-2020 the elections of the Grampanchayat - Mandavgan were held for 5 years prior to the expiry of the term, the same is illegal. The petitioner had given representation at the relevant time that the elections will have to be held only for the

reminder period of 9 months and not for 5 years. The representation was not attended to by the authorities. The learned Counsel submits that the term of the members of the managing committee is fixed. The new Grampanchayat can continue only for a reminder period of the term. The learned Counsel relies on Section 27(2) of the Maharashtra Village Panchayats Act, 1958. The respondents now ought to conduct fresh elections.

2. We have heard the learned Assistant Government Pleader.

3. Mr. Latange, learned Counsel for the petitioner does not dispute that the elections conducted in January-2020 of Grampanchayat-Mandavgan was for 5 years. The term of the old Grampanchayat was up to September-2020. Naturally, if the elections are held, normally it ought to be for the reminder period. The petitioner allowed the election to proceed. The elections are also held and the members of the Grampanchayat are elected in January-2020. The petitioner did not

contest the election but has voted in the said election. The rights have been created in the elected persons, they are also not parties to the present writ petition.

4. For more than a year the new body of the Panchayat is functioning and has come into existence.

5. It would be too late in the day now to entertain the petition after lapse of more than one year and unsettle the position.

6. In light of that, writ petition stands disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S. V. GANGAPURWALA, J.]

marathe