

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6578 OF 2021**

Mahesh Balaram Mhatre ... Petitioner
Versus
The Collector, Thane District and Ors. ... Respondents
WITH
INTERIM APPLICATION NO.2802 OF 2021
AND
INTERIM APPLICATION NO.445 OF 2021

Mr. Akshay Giri, for Petitioner.
Mr. S.B.Kale, AGP, for State.
Mr. Anandrao Shankar Pawar, Head Clerk, present.
Mr. Nilesh Suresh Mhatre, Gramsevak, Kalwar, present.

**CORAM: S.J. KATHAWALLA &
MILIND N. JADHAV, JJ.**

DATE : 13th OCTOBER, 2021

P.C. :

1. Not on board. Upon mentioning, taken on board.
2. On 8th October, 2021 this Court passed the following order :

"1. The letter dated 21st September, 2021 written by the Petitioner to his Advocate to withdraw the above Writ Petition along with Interim Applications is taken on record and marked 'X' for identification.
2. The learned Advocate appearing for the Petitioner on instructions seeks to withdraw the above Writ Petition along with Interim Applications. In view thereof, the above Writ Petition as well as the Interim Applications are disposed off as withdrawn".
3. The learned AGP draws our attention to the order dated 19th November,

2020 passed by the Division Bench of this Court (Coram : S.S.Shinde & Madhav Jamdar, JJ.), paragraph Nos.2 to 6 are relevant and reproduced hereunder :

"2. In the present Writ Petition, the Petitioner who is a resident of Village Kalwar, District Thane, has challenged the legality and constitutional validity of the Amending Act of 5th March, 2020.

3. It is the contention of the Petitioner that the same is violative of Article 243 C of the Constitution of India. In view of this contention, issue notice to the learned Advocate General, returnable on 10th December, 2020.

4. Mr. R.S.Apte, the learned Senior Counsel appearing for the Petitioner points out that the election to the post of Sarpanch of the Gram Panchayat, Kalwar Village, Bhiwandi, District - Thane, is scheduled to be held tomorrow.

5. We direct that either the said election be postponed by a period of three weeks or in case, the election proceeds, then the result be not declared and the same be kept in a sealed envelope, to be submitted to this Court. The Respondents are directed to file reply within a period of two weeks.

6. S.O. to 10th December, 2020."

4. The learned AGP states that in view of the said order dated 19th November, 2020, this Court may open the sealed envelope and declare the results or allow the Returning Officer to open the sealed envelope and declare the results.

5. The Registry shall therefore, handover the sealed envelopes to the learned AGP, who will handover the same to Shri Anandrao Shankar Pawar, Head Clerk, who is present in Court today, who in turn will handover the sealed envelope to

the Returning Officer. The sealed envelope shall be opened by the Returning Officer in the presence of the candidates/contestants and declare the results in their presence at the earliest.

(MILIND N. JADHAV, J.)

(S.J.KATHAWALLA, J.)