

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

**WRT PETITION NO. 3334/2020**

**Kantabai Yadav Kudmate**

**...Versus...**

**Addl. Commissioner and others**

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders or directions  
and Registrar's orders

Court's or Judge's orders

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Mr. C.B.Dharmadhikari, Advocate for petitioner  
Ms. N.P.Mehta, AGP for respondent Nos. 1 and 2  
Mr. P.A.Kadu, Advocate for Respondent No.3  
Mr.Kartik Rao, Advocate for Respondent No.4

**CORAM : AVINASH G. GHAROTE, J.**

**DATE : 17/12/2021**

Heard Mr. Dharmadhikari, learned counsel for  
the petitioner.

The petition challenges the order passed by  
Respondent No. 2/Additional Collector, Yavatmal, dated  
29.5.2020, as well as the order passed by Respondent  
No.1/Additional Commissioner, Amravati, dated  
31.10.2020, whereby the petitioner has been disqualified  
on account of violation of the mandate of Section 13A as  
well as 14(1)(g) of the Maharashtra Village Panchayat Act.  
The petitioner was elected as a member as well as, direct  
Sarpanch in the election to Gram Panchayat, Jamb, Tq.  
Ghatanji, District Yavatmal, results to which were  
declared on 29.5.2018.

As per the mandate of Section 13A of the  
M.V.P Act, in case a person is elected to more than one seat  
in a Village Panchayat, then he has to tender his

resignation within a period of 7 days from the date of declaration of result from one seat, which has to be addressed to the State Election Commission or any officer authorized by it, delay to do which makes all the seats become vacant. In the instant case it has been found by the authorities below that the resignation was tendered by the petitioner from the seat of member on 7.6.2018 (p.32) which was addressed to the Secretary, Gram Panchayat, Jamb.

Without going into the details any further, this being clearly beyond a period of 7 days as required by Rule 41A of the Maharashtra Village Panchayat Election Rules, 1959, the consequences enumerated in Section 13A of the said Act clearly ensued. I therefore do not find any infirmity in the orders of the Courts below, considering which I do not feel it necessary to consider the disqualification of the petitioner under Section 14(1)(g) of the M.V.P Act. There is no merit in the petition and the same is accordingly dismissed.

**JUDGE**

rvjalit