

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

WRIT PETITION NO.4100 OF 2022

**DIGAMBAR BHAGAJI LALGE AND ANOTHER
VERSUS
THE ADDITIONAL COMMISSIONER AND OTHERS**

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Advocate for Petitioners : Mr. D. R. Markad h/f Mr. Sanjay D. Kotkar
AGP for Respondents/State: Mr. P. N. Kutti

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 8th April, 2022

ORDER :

1. The petitioners are aggrieved by the order dated 07/10/2021, passed by the District Collector, Ahmednagar in Grampanchayat Dispute No.113/2021, whereby the Collector dismissed the said dispute filed by the petitioners under Section 35(3)(B) of the Maharashtra Village Panchayat Act, 1958 (for short "the Act, 1958")

2. By filing the said dispute, the petitioners contended that they were deprived of their voting rights in the election of Sarpanch / respondent no.6 and Up-Sarpanch who were elected the meeting dated 09/02/2021, as they were kidnapped by the husband of respondent no.6.

3. The Collector in the impugned order has given a finding that the notice of meeting dated 09/02/2021 was served on all 17 members. Thus, the petitioners had received the notice. So far as the contentions of the petitioners that they were kidnapped, it is held that after registration of the FIR No.55/2021, the investigation is pending. In the said crime, the petitioners gave statement that they were released by the kidnappers on 09/02/2021 after 3:30 in the noon. The petitioners though were aware of the meeting dated 09/02/2021, they failed to file the dispute within the stipulated time of seven days and the dispute came to be filed on 15/03/2021. The District Collector has, therefore, rejected the said dispute on 15/03/2021. The order of the District Collector is confirmed by the Additional Commissioner, Nashik.

4. Taking into consideration the fact that the petitioners were well aware of the said meeting dated 09/02/2021 and though they were released on that date, they have failed to file the said dispute within stipulated time of seven days, this Court is of the considered view that no fault can be found with the order passed by the District Collector, Ahmednagar, which is confirmed by the Additional Commissioner, Nashik. The petitioners have failed to make out the case to warrant

interference in the extra ordinary writ jurisdiction. Since the writ petition is merit-less, it is dismissed. No costs.

[NITIN B. SURYAWANSHI, J.]

Sameer