

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

WRIT PETITION NO.5505 OF 2021

- 1] Pankaj s/o Babarao Muneshwar,
Age: 28 years, Occu: Agriculturist,
R/o C/o. Gram Panchayat Member
(2021-24), Warud (Bhakt),
Tah: Arni, Dist: Yavatmal-445106.
- 2] Manjusha w/o Anil Kharabe,
Age: 31 years, Occu: Agriculturist,
R/o: C/o. Gram Panchayat Member
(2021-24), Warud (Bhakt),
Tah: Arni, Dist: Yavatmal-445106.
- 3] Manda w/o Sudam Bhurle,
Age: 40 years, Occu. Agriculturist,
R/o: C/o. Gram Panchayat Member
(2021-24), warud (Bhakt),
Tah: Arni, Dist: Yavatmal-445106. **PETITIONERS**

...V E R S U S...

- 1] State of Maharashtra, Department of
Home, through its Principal Secretary,
Mantralaya, Mumbai-32.
- 2] Chief Electoral Officer, Maharashtra,
General Administration Department,
6th Floor Annex Building, Madam Cama Marg,
Hutatma Rajguru Chowk, Mantralaya,
Mumbai-400032
E-mail: ceo_maharashtra@eci.gov.in
- 3] District Collector, Yavatmal,
Collector Office Compound,
Dist: Yavatmal.
- 4] Tahasildar, Arni, Tahasil Office,
Arni, Dist: Yavatmal. **RESPONDENTS**

Mr. Ratnakar S. Khobragade, Advocate for Petitioners.
Ms. T. H. Khan, AGP for Respondents 1 to 4/State.

CORAM: **ROHIT B. DEO, J.**
DATE: **14th FEBRUARY, 2022.**

ORAL JUDGMENT:

Heard Mr. Ratnakar Khobragade, the learned Counsel for the petitioners and Ms. T. H. Khan, the learned Assistant Government Pleader for the respondents 1 to 4/State.

2. Rule. Rule made returnable forthwith by consent of the learned counsels for the parties.

3. The petitioners who are the elected members of Gram Panchayat Warud (Bhakt) have a limited grievance to canvass.

4. Respondent 3 Collector directed the Tahsildar to initiate the procedure for holding election to the office of the Sarpanch, vide order dated 10.11.2021. Perusal of the said order reveals that the Collector directed the Tahsildar to conduct the election on 25.11.2021.

5. The Tahsildar informed the Collector that one petition is preferred by an elected member Suresh Pandurang Kale questioning the reservation of the office of the Sarpanch for Scheduled Caste.

6. It is common ground that in Writ Petition 4492/2021 which is instituted by Suresh Pandurang Kale, there is no interim order passed by this Court. The said petition was listed on 02.11.2021 and this Court has issued notice.

7. However, referring to the letter of the Tahsildar, the Collector has restrained conducting of the election. While the said communication, which is impugned herein, does not specifically refer to the pendency of the writ petition, the order does refer to the letter of the Tahsildar which invited the attention of the Collector to the pendency of the writ petition.

8. In my considered view, the Collector committed an apparent error in keeping on hold the election only on the premise that there is a petition filed challenging the reservation of the office of the Sarpanch.

9. The order impugned is quashed.
10. The Collector shall proceed to hold the election to the office of the Sarpanch forthwith.
11. The petition is allowed in the aforestated terms.

JUDGE

NSN