

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

WRIT PETITION NO.847 OF 2023

SHIVAJI TRIMBAK PUNGALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND OTHERS

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Advocate for Petitioner : Mr. Angad L. Kanade
AGP for Respondents: Mrs. M.A. Deshpande.

**CORAM : MANGESH S. PATIL
& S.G. CHAPALGAONKAR, JJ.**

DATE : 23 JANUARY 2023

P.C.:-

Petitioner who has participated by filing his candidature in the elections held under the Maharashtra Village Panchayats Act and the allied provisions, are aggrieved by the fact that in spite of their representation dated 29.12.2022, the respondent Collector has not considered it objectively.

2. The Advocate for the petitioner points out that there were erasures made on Annexures – 25 in respect of control units and Memory numbers in respect of the all wards. The petitioners are suspecting some foul play and wanted the respondent Collector to undertake an inquiry.

3. The learned AGP submits that in view of the provisions of Section 15 and 15A of the Maharashtra Village Panchayats Act, the appropriate remedy for the petitioners would have been to approach the civil court.

4. It does appear that there are many erasures in Annexure 25 in respect of control unit numbers as well as memory numbers, as can be seen from the copies of the said annexure annexed with the petition.

5. However, it is also equally apparent that the result was declared on 20.12.2022. Section 15 of the Maharashtra Village Panchayats Act, inter-alia, expects a person to approach the Judge (civil court) putting up the grievance in respect of validity of elections. It mandates such proceeding to be initiated within 15 days of the declaration of the result. Section 15A specifically prohibits any Court to cause any interference in electoral matters.

6. If the result of the election was declared on 20.12.2022, it was imperative for the petitioners, without waiting for the respondent – Collector to initiate any action on their representation, to have approached the civil court under section 15. Even if the petitioner is now not seeking any declaration regarding the invalidity of the elections, the consequences of the allegations would result in the same thing.

7. When the petitioner has lost time in taking recourse to Section 15, it would not be appropriate for this court to exercise its powers under Article 226 of the Constitution of India.

8. Writ petition is dismissed.

[S.G. CHAPALGAONKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

grt/-