

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

WRIT PETITION NO.11494 OF 2023

**MAYA TARACHAND MALASE
VERSUS
THE COLLECTOR NANDURBAR AND ANOTHER**

....

Mr. D. S. Bagul, Advocate for Petitioner
Mr. P. K. Lakhotiya, AGP for Respondent – State
Mr. R. N. Jain, Advocate for Respondent No.2

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 25.09.2023

PER COURT :-

1. This is a peculiar case wherein an elected representative, who resigned from the post of Chairman (Sabhapati), Panchayat Samiti, Nandurbar on 28.08.2023, is before this Court seeking a Writ of Mandamus that a vacancy be declared.

2. The learned Advocate representing the Zilla Parishad submits that the Petitioner herself delivered the resignation dated 28.08.2023 to the President as well as the Chief Executive Officer of the Zilla Parishad. He, therefore, submits that a vacancy has occurred in the light of the said resignation.

3. The District Collector, Nandurbar has addressed a communication to the learned AGP dated 22.09.2023 stating therein that a report has been called. However, the Chief Executive Officer has not submitted a report to the District Collector, Nandurbar. He submits that the resignation can be covered under Section 71(1) of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 and the position becomes vacant after the resignation is tendered in a manner as prescribed under Sub Section 3 of Section 71.

4. The learned Advocate representing the Chief Executive Officer submits that a vacancy is created and it is for the District Collector to conduct an election.

5. In view of the above, since a vacancy is admittedly created and there is no impediment for holding the election to the post of Sabhapati, Panchayat Samiti, Nandurbar, this **Petition is disposed off.**

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]