

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

WRIT PETITION NO. 12911 OF 2023

Govind s/o Narsingh Dhotre

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

.....

Mr. Amol S. Gandhi – Advocate for the petitioner a/w
Mr. S. B. Deshpande – Advocate as *Amicus Curiae*
Mr. S. K. Tambe – AGP for respondent / State Authorities
Mr. A. B. Kadethankar – Advocate for respondent nos. 8 and 9
Mr. R. V. Gore – Advocate for intervenors

.....

WITH
CIVIL APPLICATION NO. 12608 OF 2023
IN
WRIT PETITION NO. 12911 OF 2023

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

DATED : 18th OCTOBER, 2023

PER COURT : -

1. Leave to add the Returning Officer as Respondent no. 9.
2. The issue raised in this petition as regards whether the Grampanchayat can be dissolved if more than 3/4th of the elected members of the Grampanchayat tender their resignation leaving the elected persons into a minuscule minority. With regard to the Grampanchayat Kasoda, seven elected Grampanchayat members have

resigned leaving the Sarpanch and Up-sarpanch as stand-alone candidates.

3. Under sub-section (1-A) to Section 145 of the Maharashtra Village Panchayats Act, 1959, if more than half of the total number of seats in a *panchayat* have become vacant, the State Government may, by an order published in the Official Gazette, dissolve such *panchayat*.

4. Considering the above dispute, we are of the view that it would be advantageous to appoint Mr. Sanjeev B. Deshpande, learned Senior Advocate, to act as an *Amicus Curiae*. He has graciously agreed to assist the Court.

5. Issue notice to the Respondents, returnable on 07th December, 2023. Learned AGP waives service of notice on behalf of Respondent nos. 1, 2 and 4. Learned counsel Mr. A. B. Kadethankar waives service of notice for Respondent nos. 8 and 9 and learned advocate Mr. Ravindra V. Gore waives service of notice on behalf of Respondent nos. 10 and 11.

6. Civil Application No. 12608 of 2023 seeking intervention is rendered infructuous and stands disposed off.

7. We request the learned advocate for the Petitioner to supply a copy of the petition paper-book to the learned *Amicus Curiae*. The learned advocates for the Respondents, who are desirous of filing affidavit-in-reply, shall do so on or before 01.11.2023 and shall ensure that copies of their reply are served upon the learned *Amicus Curiae*. This matter would be called out on 07th December, 2023, after the fresh admission matters are over.

8. Considering the law laid down in **Shri Sant Sadguru Janardan Swami (Moingirid Maharaj) Sahakari Dugdha Utpadak Sanstha and Ors. vs. State of Maharashtra and Ors.** AIR 2001 SC 3982, **Mahendra Babusaheb Gund Versus The State of Maharashtra and others** (Writ Petition No. 6706 of 2022 decided on 04.07.2022 at Aurangabad Bench), **Sou. Jamuna Mahadeo Dalvi & Ors. Vs. The State of Maharashtra & Ors.** 2012 (4) All.M.R. 970 and **Omprakash Kawaduji Desai and Others Versus State of Maharashtra and Others** 2009 (5) Mh.L.J. 103, we are not causing any interference in the election process, which has already been set into motion. Liberty to the aggrieved person to take recourse to such remedies with regard to the election, as may be advised.

[Y. G. KHOBRAGADE]
JUDGE

[RAVINDRA V. GHUGE]
JUDGE