



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10160 OF 2023

Amol Dattatraya Patil	...Petitioner
Versus	
The District Collector, Raigad & Ors.	...Respondents

Mr. Vivek V. Salunke, for the Petitioner.

Mrs. M. S. Srivastava, AGP, for the State/Respondents.

CORAM : MADHAV J. JAMDAR, J.

DATED : 5th OCTOBER 2023

P.C. :

1. Heard Mr. Salunke, learned counsel appearing for the Petitioner and Mrs. M. S. Srivastava, learned AGP, appearing for the State/Respondents.

2. The challenge in this Writ Petition filed under Articles 226 and 227 of the Constitution of India is to the order dated 28th June 2023 passed by the learned Collector, Raigad in complaint filed by the Respondent No.2. The said Respondent No.2 filed application with the Collector with prayer that the Petitioner's election as member of Gram Panchayat be declared as null and void and he be disqualified

Sonali

as member.

3. The factual position on record shows that, the elections for the members of village panchayat Talashet, Tal. Mangaon, Dist. Raigad were conducted in 2019 and the Petitioner was elected from the seat reserved for the backward class. The caste claim of the Petitioner was invalidated by the Scheduled Tribe Scrutiny Committee, Konkan Division, Thane on 26th October 2021. The Petitioner has filed Writ Petition No.377 of 2021 challenging the said order and the said Writ Petition is still pending. By order dated 8th March 2022, the Division Bench of this Court granted protection. However, the said protection was only till 25th March 2022.

4. Mr. Salunke, learned counsel appearing for the Petitioner fairly submitted that the said protection thereafter is not continued. Thus, it is admitted position that the Petitioner's caste claim was invalidated by the Scheduled Tribe Scrutiny Committee, Konkan Division, Thane and there is no order granting stay or any protection.

5. Second proviso to Section 10(1A) of the Maharashtra Village Panchayat Act, 1959 provides that, if such person fails to produce the Validity Certificate within a period of twelve months from the date on which he is declared elected, his election shall be deemed to have

Sonali

been terminated retrospectively and he shall be disqualified for being a member.

6. Thus, it is clear that as the Petitioner has failed to produce validity certificate within said period of twelve months, his election shall be deemed to have been terminated retrospectively and he shall be disqualified as a member.

7. Therefore, there is no illegality or irregularity in the impugned order passed by the learned Collector.

8. Accordingly, the Writ Petition is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]