



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.13110 OF 2024**

Priyanka Abhijeet Deodhare

...Petitioner

**Versus**

State Of Maharashtra Thr.  
Secretary Rural Development  
Department And Ors.

...Respondents

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*Adv. Drupad S. Patil for the Petitioner.*

*Adv. Vijay R. Shinde (thr. V. C. ) a/w Onkar Shinde for Respondent Nos. 4 to 7 & 8 to 11.*

*Adv. P. M. J. Deshpande, AGP for Respondent Nos. 1 to 3.*

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**Coram : Sharmila U. Deshmukh, J.**

**Date : October 10, 2024.**

**P. C. :**

1. Heard.
2. By this Petition, the challenge is to the order dated 27<sup>th</sup> August 2024 passed by Respondent No. 2 dismissing the dispute filed by the Petitioner under Section 35 of the Village Panchayats Act, 1958 challenging the No Confidence Motion against the Petitioner who is the Sarpanch.
3. The primary submissions of Mr. Patil, learned counsel for the Petitioner is that the members of the Grampanchayat were nine in number and three of the members i.e. Respondent No. 5, 7 and 9 were disqualified under Section 10-1A of the Village Panchayats Act, 1958 therefore, they were not entitled to sit and vote. He submits that in view thereof, the majority which was required for the purpose of

Motion to be carried would be five in number whereas, only four persons have voted in favour of the Motion. He would further submit that he has circulated the matter on urgency basis as the elections are to be held on 11<sup>th</sup> October, 2024 of the new Sarpanch.

**4.** Learned counsel for Respondent Nos. 4 to 11 except Respondent No. 8 would hand over certificate of Caste Scrutiny Committee of Respondent No. 9 and submits that Respondent No. 9 had submitted the caste validity certificate to the Tahsildar and therefore, Respondent No. 9 was not disqualified to vote.

**5.** Learned AGP, on instructions of Tahsildar, would submit that the certificate had not been submitted to the Tahsildar.

**6.** Learned counsel for Respondent No. 4 to 7 and 9 to 11 would seeks time to place the necessary documents on record.

**7.** Considering the *prima facie* case made out by Mr. Patil as regards the disqualification under Section 10-1A of the Village Panchayats Act, 1958 and in the absence of any document to prove that the caste validity certificate was duly furnished to the Tahsildar in compliance of Section 10-1A, ad-interim reliefs in terms of prayer Clause (c) and (d).

**8.** List the Petition for further consideration on **22<sup>nd</sup> November, 2024.**

**9.** Affidavit in reply to be filed before the next date.

**[Sharmila U. Deshmukh, J.]**