



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14121 OF 2024

Kalavati Rajendra Kokale

...Petitioner

Versus

State Of Maharashtra Thr.

Principal Secretary Rural

Development And Ors.

...Respondents

Adv. Drupad Patil i/b Namit Kumar Pansare for the Petitioner.

Adv. Druti Kapadia, AGP for Respondent Nos. 1 & 2.

Coram : Sharmila U. Deshmukh, J.

Date : October 15, 2024.

P. C. :

1. By this Petition, the challenge is to the order dated 7th June, 2024 passed by the Collector in exercise of powers under Section 43(1) of the Maharashtra Village Panchayat Act, 1959

2. Learned counsel for the Petitioner would submit that the resignation which was given by the Petitioner was withdrawn during the meeting of the Panchayat which was held under Section 29 of the Maharashtra Village Panchayat Act, 1959. He points out the Minutes of the said meeting dated 15th March, 2024 which clearly records that the Petitioner has withdrawn her resignation and the proceedings are sent to the higher authorities for further action. He submits that thereafter, the Petitioner presided over some meetings of the Village Panchayat and thereafter by the impugned order dated 7th June, 2024, the Collector has declared the election for the post of Sarpanch and Upsarpanch.

3. Drawing support from the decision of the learned Single Judge of this Court in the case of **Mina vs. Commr., Nashik Division [2019(1) MH.L.J., 212]**, he submits that it has been held by this Court that there is no provision under the Maharashtra Village Panchayat Act, 1959 which expressly bars the withdrawal of the resignation once it is tendered and that even if the resignation is submitted, the person is not prevented for withdrawing the same. He submits that considering the Minutes of the meeting, it is evident that the resignation had been duly withdrawn and therefore, the resignation was not in existence for the Collector to act upon it and pass the impugned order. He would fairly concede that subsequently, election was held and Respondent No. 4 was elected as Sarpanch.

4. Considering the limited issue involved, the Petition can be disposed of finally at the admission stage.

5. Hence, issue notice for final disposal of the Petition to the Respondents returnable on **26th November, 2024**. Humdust permitted. Learned AGP waives notice on behalf of Respondent Nos. 1 and 2.

[Sharmila U. Deshmukh, J.]