



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

**48 WRIT PETITION NO. 4558 OF 2022**

RAHUL SANJAY SIGARE AND ANOTHER

**VERSUS**

THE DIVISIONAL COMMISSIONER AURANGABAD AND OTHERS

...

Ms. Pradnya Talekar h/f. Talekar and Associates – Advocate for  
Petitioners

Mr. K.B. Jadhavar – AGP for Respondent Nos.1 and 2, State

Mr. G.R. Ingole – Advocate for Respondent No.3

...

**CORAM : SIDDHESHWAR S. THOMBRE, J.**

**DATE : 08.12.2025**

**PER COURT :**

1. Heard learned Counsel for the respective parties.
2. Learned Counsel – Ms. Pradnya Talekar, appearing for the petitioners, submits that pursuant to the interim order passed by this Court dated 22.04.2022, which reads as under :

“1. The Respondent No.3 initiated proceeding, seeking disqualification of the Petitioners from holding the post of Sarpanch and Upa-Sarpanch of the Gram Panchayat, Sawali, Tq. Mukhed, Dist. Nanded, on the ground that the notice of meeting convened for election of Sarpanch and Upa-Sarpanch, was served on his brother. The Collector allowed the dispute filed by the Respondent No.3 and disqualified the Petitioners, the Commissioner has confirmed the order of Collector.

2. It is the contention of the Petitioners that the notice of

the election was duly served on the brother of Respondent No.3, which is in-consonance with the provision of Rule-4 of the Maharashtra Village Panchayats (Sarpanch and Upa-Sarpanch) Election Rules, 1964. During the pendency of the appeal before the Commissioner, there was a stay operating in favour of the Petitioners.

3. ....

4. ....

5. ....

6. In the meanwhile, there shall be ad-interim relief prayer Clause 'B'."

interim relief was granted in terms of prayer clause 'B'. The prayer clause B of the petition reads as under :

*"B. To grant interim stay to the operation, execution and implementation impugned judgment and order dated 14.02.2022 passed by the respondent No.1 thereby upholding the judgment and order passed by the respondent No.2 dated 02.12.2021 thereby canceling the appointment of the petitioner No.1 and 2 as Sarpanch and Upa – Sarpanch of Gram Panchayat Sawali pending hearing and final disposal of the present petition."*

3. Pursuant to the interim order, the petitioners are continued on the posts and considering the fact that the petitioners are officiating on their respective posts and hardly two (2) months of the tenure remains to be completed, I am inclined to allow the present petition.

4. In view thereof, the Writ Petition is allowed, the order dated

14.02.2022 passed by the learned Additional Divisional Commissioner –  
1, Aurangabad is quashed and set aside.

**[ SIDDHESHWAR S. THOMBRE ]**  
**JUDGE**

Pooja Kale/