



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4450 OF 2025

KAVITABAI SANTOSH RATHOD

VERSUS

THE STATE OF MAHARASHTRA
THROUGH THE SECRETARY AND OTHERS

...

- Mr. Patil Vishnu Yadavrao, Advocate for the Petitioner
- Ms. P. J. Bharad, AGP for Respondent Nos. 1 to 5

...

CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.

DATE : 02.04.2025

PER COURT :

1. Heard the learned advocate for the petitioner.
2. The petitioner, who claims to be a villager, alleges that respondent No. 8, who is an elected Sarpanch, has incurred a disqualification under the requisite provisions of the Maharashtra Village Panchayats Act, 1959, and is seeking a direction for initiating a process for her disqualification.
3. In light of the fact that the modalities have been prescribed under the relevant provisions of the Maharashtra Village Panchayats Act, 1959, conferring power upon the Collector under Section 16 to undertake the exercise, and on our query to the learned

advocate for the petitioner as to why the petitioner cannot approach the learned Collector by filing a dispute application, he would submit that period stipulated under Section 16 for initiating such a process is already over.

4. Meaning thereby that the petitioner is of the view that the remedy for her to resort to the statutory mechanism is time-barred and still she is attempting to approach High Court and seeking to invoke the extraordinary powers under Article 226 of the Constitution.

5. We are of the considered view that when the remedy for the petitioner to resort to the statutory mechanism is barred for whatever reason, this Court cannot exercise the powers under Article 226 of the Constitution.

6. The Writ Petition is dismissed.

(Y. G. KHOBRADE, J.)

(MANGESH S. PATIL, J.)