



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7926 OF 2025

Ashwini Anil Kolapkar

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

- Mr. Thombre S. S., for Petitioner.
- Mr. A. B. Girase, GP for Respondent Nos.1 to 3.

CORAM : MANISH PITALE AND
Y. G. KHOBRAGADE, JJ.

DATE : 25th JULY 2025.

P. C. :

1. Heard learned counsel for the petitioner.
2. By this petition, the petitioner has challenged a communication dated 23rd June 2025, issued by the respondent No.3 – Deputy Collector to the respondent No.4 – Chief Executive Officer of the Zilla Parishad. By the said communication, after taking note of various developments concerning the petitioner, it is stated that the respondent No.4 – Chief Executive Officer would take appropriate decision on the question of appointment of Administrator on the concerned Gram Panchayat.
3. This petition has arisen out of events that were triggered in pursuance of order dated 27th January 2025, passed by the Divisional

Commissioner disqualifying the petitioner from the elected post of Sarpanch of the Gram Panchayat on the ground of misconduct under Section 39 of the Maharashtra Village Panchayats Act, 1959.

4. The petitioner filed an appeal before the Minister of the concerned department along with an application for stay. Since the pending appeal and the interim application for stay therein were not progressing effectively, the petitioner was constrained to file Writ Petition No.3058 of 2025, before this Court, wherein, on 11th March 2025, a learned Single Judge, issued notice and granted interim order of *status-quo*. Eventually, the said writ petition was disposed of on 09th July 2025, by directing that the pending appeal shall be decided within a period of two months from the date of the order and that till the disposal of the appeal, *status-quo*, would be maintained.

5. According to the petitioner, “*status-quo*” means that she continues as the Sarpanch of the Gram Panchayat. We are unable to accept the said submission, for the reason that neither the Appellate Authority in the pending appeal nor did this Court in Writ Petition No.3058 of 2025 grant stay of the order dated 27th January 2025, whereby the petitioner was disqualified from holding the position of Sarpanch. The order of *status-quo* obviously means that election for

the vacancy for the position of Sarpanch cannot be conducted by the respondent Authorities till disposal of the pending appeal.

6. The learned Government Pleader is at pains to point out that the position of Up-Sarpanch in the Gram Panchayat is also vacant, on account of the fact that the person holding the said position resigned. This indicates that as on today the Sarpanch (petitioner herein) stands disqualified and the Up-Sarpanch has resigned.

7. It is in these circumstances that the impugned communication has been addressed to the respondent No.4 – Chief Executive Officer of the Zilla Parishad. We find no illegality in the said communication warranting any interference in writ jurisdiction. The order of *status-quo* indicates that fresh elections cannot be held till the appeal is decided. To that extent, the interest of the petitioner is sufficiently protected.

8. We are also not making any comments on the question as to whether the situation in which the Gram Panchayat finds itself warrants appointment of an Administrator or not. If it is within the domain of the respondent No.4 – Chief Executive Officer, to take such a decision, it is obvious that the said decision will be taken strictly in

accordance with law.

9. With the aforesaid observations, the writ petition is dismissed. Pending applications, if any, any also stand disposed of.

(Y. G. KHOBRADE, J.)

(MANISH PITALE, J.)