

Arun Sankpal

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10959 OF 2025

Kashinath Sakharam Chorge

..Petitioner

Versus

The Collector District Thane & Ors

...Respondents

Mr. Jitendra H. Oak, for the Petitioner.

Ms. A.A. Nadkarni, AGP, for Respondent Nos. 1 and 2-State.

CORAM: N. J. JAMADAR, J.

DATED : 12th AUGUST 2025

P.C.:

- 1.** Heard the learned Counsel for the parties.
- 2.** The Petitioner is aggrieved by the communication dated 15th July 2025, issued by the District Collector, Thane whereby directions have been issued to hold election to the post of the Sarpanch of the Goveli Revati Village Panchayat, as the said post has fallen vacant on account of No Confidence Motion having been passed against Pooja Deepak Jadhav, the then Sarpanch of the Goveli Revati Village Panchayat.
- 3.** The Respondent No.4 raised a dispute under Section 35(3-B) of the Maharashtra Village Panchayat Act 1959, and, by a judgment and order dated 15th May 2025, the said dispute was rejected. And the No

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Confidence Motion passed by the Village Panchayat on 1st April 2025 was affirmed.

4. The Petitioner, who is a member of Goveli Revati Village Panchayat, has preferred this Petition as a peculiar situation has arisen. The post of Sarpanch is reserved for a member belonging to the Schedule Caste. Respondent No.4 is the only member belonging to the Schedule Caste. By-election is scheduled to be held tomorrow, 13th August 2025. If the Respondent No.4 files the nomination form, she being the only member belonging to the Schedule Caste, there will be no contest as no other person would be eligible to contest the election to the post of Sarpanch.

5. Mr. Oak, the learned Counsel for the Petitioner, submitted that, since the Village Panchayat has passed a Motion of No Confidence against the Respondent No.4, if there is no contest, the Respondent No.4 would be again elected as Sarpanch. Therefore, the direction of the District Collector to hold election to the post of Sarpanch deserves to be set aside, urged Mr. Oak.

6. The learned AGP, on instructions, submits that the Respondent No. 4 is the only member belonging to the Schedule Caste. A copy of the declaration made by the District Collector regarding the constitution of the Village Panchayat Goveli Revati is tendered for the perusal of the Court. It seems that the Respondent No.4 is the only member who is

elected from the ward reserved for the persons belonging to Schedule Caste.

7. I am unable to persuade myself to agree with the submissions of Mr. Oak. There is no legal basis to the submission sought to be canvassed by Mr Oak.

8. The provisions contained in Section 35 of the Maharashtra Village Panchayat Act 1959, do not provide any disqualification for re-election of the person against whom a Motion of No Confidence is passed, like the provisions contained in Section 14 and Section 39 of the Village Panchayat Act. For instance, sub-Section (1A) of the Section 39 provides that a person who is removed from the office of Sarpanch or Upa-Sarpancha, shall not be eligible for re-election as Sarpanch or Upa-Sarpanch during the remainder of the term of office of members of the Panchayat.

9. In the absence of such statutory restrictions, in the matter of contesting the election or for re-election, the prayer of the Petitioner to set aside the directive of the District Collector to hold the election cannot be countenanced. It would amount to prescribing a disqualification by a judicial order, which is not legally permissible. The possibility of Respondent Nos. 4 again being elected to the post of Sarpanch, cannot be a ground to countermand the election which is scheduled to be held tomorrow.

10. Therefore, the Petition stands dismissed.

[N. J. JAMADAR, J.]