



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 16448 OF 2025

Varsha Rahul Kadam & Ors

..Petitioners

Versus

State of Maharashtra & Ors

...Respondents

Adv Priyal G Sarda, for the Petitioners.

Smt M. S. Srivastava, AGP, for the Respondents-State.

CORAM: N. J. JAMADAR, J.

DATE : 8th DECEMBER 2025

ORDER:

1. Heard the learned Counsel for the parties.
2. The Petitioners were elected as members of the Kashig, village Panchayat, for the term commencing from 9th February 2021 to 8th February 2026. The Petitioner No.1 was the Sarpanch and the Petitioner No.2 was the Deputy Sarpanch.
3. The village panchayat, Kashig was constituted by seven members. Four members tendered resignation. Resultantly, as more than half of the total number of seats in the village panchayat became vacant, a proposal was submitted before the Divisional Commissioner, Pune.
4. By the impugned order dated 25th September 2025, the Divisional Commissioner, after providing an opportunity of hearing to the

Petitioner and considering the report of the District Collector was persuaded to dissolve the village panchayat under Section 145(1A) of the Maharashtra Village Panchayats Act, 1959 (“the Act, 1959).

5. Mr Sarda submitted that the provisions contained in Section 145(1A) of the Act, 1959 are directory and not mandatory. The term of the village panchayat is to expire on 8th February 2026. The Divisional Commissioner, thus, could have passed an order prior to six months of the expiry of the term of the village panchayat to fill in those vacancies. The delay in passing the order caused prejudice to the Petitioners.

6. It is true, the provisions contained in Section 145 (1A) are directory. However, where more than half of the total number of seats in the village panchayat have become vacant, the business of the panchayat cannot be carried out in conformity with democratic principles.

7. In the case at hand, it could not be demonstrated that the vacancies were created either *mala fide* or artificially, with an oblique motive. Moreover, the term of the village panchayat is to expire on 8th February 2026. In view of the provisions contained in Section 11 (3) of the Act if the vacancy of a member occurs within six months preceding the date on which the term of office of the members of the panchayat expires under Section 27, the vacancy shall not be filled. It was, therefore, impermissible to fill in the vacancies, which had occurred in

the village panchayat by the time the impugned order came to be passed.

8. In these circumstances, no fault can be found with the impugned order.

9. Resultantly, the Petition does not deserve to be entertained.

10. Petition thus stands dismissed.

[N. J. JAMADAR, J.]