



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 3212 OF 2024
Sushma Bharat Thorat and another Vs. Additional Commissioner,
Amravati Division and others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. N.A. Gawande, Advocate for Petitioner
Mr. A.S. Fulzele, Addl. GP for Respondent / State
Mr. N.S. Bhelkar, Adv. For Respondent Nos.4 to 7

CORAM: **AVINASH G. GHAROTE AND**
 ABHAY J. MANTRI, JJ.

DATED : **18th FEBRUARY, 2025**

1. Heard.
2. The petition seeks to quash and set aside the communication dated 16.5.2024 (page 40), by the Collector, Amravati to the Tahsildar, Achalpar / Chadur Railway to conduct the elections for the post of Sarpanch and Upsarpanch and submit a report. It has been stated on record by Mr. Bhelkar, learned counsel for the respondent Nos. 4 and 5 that in pursuance to the impugned communication dated 16.5.2024 the elections to the post of Sarpanch and Upsarpanch for Grampanchayat Kandali, have already been held on 28.5.2024 in which the respondent No. 4 has been elected as Sarpanch and petitioner No. 2 has been elected as an Upsarapanch. He, therefore, submits, that consequent to the said

election, the petition has become infructuous.

3. We find that by the order dated 21.5.2024, this Court, by considering a report dated 05.12.2023, regarding irregularities in the earlier term, had passed an order of interim relief by directing the financial charge of the post of Sarpanch be continued with the Administrator till the appearance of respondent Nos. 4 to 18 which has been continued thereafter. It is, however, necessary to note that the report dated 05.12.2023, is in respect of incidences which are earlier in point of time than the current term of the Sarpanch and Upsarpanch. It is also necessary to note that though the report dated 05.12.2023 has been submitted by the Assistant BDO to the CEO (page 15), any further action, in that regard will have to be held, in terms of the relevant provisions of the Maharashtra Village Panchayat Act. Merely because a report has been submitted until it is accepted and a punishment imposed, the same would not, have the effect, of injuncting the respondent no.4 from exercising financial power as the respondent no.4 has been duly elected in the democratic process for a subsequent term also. In that view of the matter, we do not see any reason to interfere in the impugned order. The petition is dismissed. No costs.

4. The interim order stands vacated.

5. Needless to say, that the authorities will take cognizance of the report dated 05.12.2023 and act upon it in accordance with law as applicable as expeditiously as possible.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

MP Deshpande