



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

44 WRIT PETITION NO. 5 OF 2026

Amol Tejrao Kakade

VERSUS

The State Of Maharashtra And Others

...

Advocate for Petitioner : Mr. Shingare Keshav F.

AGP for Respondents : Mr. M.K. Goyanka

CORAM : S. G. CHAPALGAONKAR, J.

Dated : January 05, 2026

PER COURT :-

1. Heard learned advocates appearing for the respective parties.
2. Mr. Goyanka, learned AGP, on instructions, submits that Grampanchayat Appeal filed by the petitioner which is pending before the Hon'ble Minister would be decided within a period of six (6) weeks from today.
3. Learned counsel appearing for the petitioner would submit that the petitioner has been disqualified under section 39 of the Maharashtra Village Panchayats Act, 1959 on the ground that he has issued death certificate as well a legal heirship certificate without having authority under law while acting as Sarpanch of the village Panchayat. He would rely

upon observations of this Court in case of **Salim Khan Mahemood Khan Pathan Vs. State of Maharashtra** reported in 2024 (3) ALL MR 567 to contend that even it is assumed that death certificate or heirship certificate has been issued by the petitioner, unless it is established that it was issued with ill intention, disqualification under section 39 would not be attracted. He would further point out that after realizing the mistake, petitioner has cancelled/recalled the certificates. In that view of the matter, following order is passed.

ORDER

- i. Writ Petition stands disposed off with directions to respondent no.1 to decide pending appeal of the petitioner within a period of (6) six weeks from the date of this order.
- ii. Till the decision in appeal, the order of disqualification passed by the respondent no.2 against the petitioner shall be kept in abeyance.

(S. G. CHAPALGAONKAR, J.)

...

AAA/-