

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 989 OF 2026

Shivamma Yallappa Potenavaru
Versus

...Petitioner

The District Collector, Solapur

...Respondent

Mr. Ashok B. Tajane, Advocate for petitioner.

Mr. Mahesh Deshmukh (Through VC) i/b. Adv. Umesh Gite, Advocate for respondent no.4.

Mr. Vikas M. Mali, AGP for respondent State.

Coram : Madhav J. Jamdar &
Pravin S. Patil, JJ.

Date : March 18, 2026.

P. C. :

1. Heard Mr. Tajane, learned Advocate for the Petitioner; Mr. Mali, learned AGP for Respondent Nos. 1 to 3 – State; and Mr. Deshmukh, learned Advocate for Respondent No. 4.

2. The Petitioner has sought relief in terms of prayer clause (a), which reads thus:

“a) Rule be issued. Record and proceedings of the case be called for and after examining the legality validity and propriety thereof by appropriate writ or direction in the nature of writ be

issued and the Government Resolution, general part I-A Pune Divisional Supplementary issued by the Collector Solapur dated 23.12.2025 declaring Respondent No. 4 Anjali Yoginath Bajaramath as President of Maindargi Municipal Council in Solapur Municipal General Election 2025 held on 02.12.2025 from schedule caste (woman) category be quashed and set aside.

3. At the outset, Mr. Deshmukh, learned Advocate for Respondent No. 4, submits that in view of Article 243ZG of the Constitution of India and Sub Section 1 of Section 21 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (for short, “the Municipal Council Act”), the present Petition is not maintainable.

4. Article 243ZG of the Constitution of India reads thus: *243ZG Notwithstanding anything in this Constitution, —*
“(a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 243ZA shall not be called in question in any court;
(b) no election to any Municipality shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State.”

Sub-section (1) of Section 21 of the Municipal Council Act reads as under:

*“(1) No election, [***] or nomination of a Councillor may be called in question, except by petition presented to the District court, by a candidate at the election or by any person entitled to vote at the election, within ten days from the date of publication of the names of the Councillors in the Official Gazette under Sections 19 or 20, as the case may be];”*

5. Thus it is clear that election of a councillor cannot be called in question, except by petition presented to the District Court, by a candidate at the election or by any person entitled to vote at the election.

6. In view of the aforesaid bar, the present Writ Petition is not maintainable and is accordingly disposed of on that ground.

7. It is clarified that all contentions on merits of the matter are expressly kept open.

[Pravin S. Patil, J.]

[Madhav J. Jamdar, J.]