

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1825 OF 2020  
[Arising from SLP(C) No(s). 669/2020]

AJIT SHASHIKANT MORE

...APPELLANT(S)

VERSUS

SHOBA SURESH KHOT & ORS.

...RESPONDENT(S)

O R D E R

1. Leave granted.
2. Heard counsel for the parties.
3. This appeal takes exception to the judgment and order dated 17.12.2019 passed by the High Court of Judicature at Bombay in Writ Petition No.14074 of 2018.
4. By the said writ petition, respondent No.1 had challenged the notification dated 01.11.2017 issued by the Section Officer, Rural Development Department, Maharashtra being contrary to the provisions of Section 3(11AAA) of Maharashtra Village Panchayats Act, 1959. Respondent No.1 had asserted that on account of the said notification, she was deprived from participating in the election process of Up-Sarpanch in the special meeting held on 26.11.2017 and for which reason, sought further

direction to set aside the said election and instead to hold fresh election to the post of Up-Sarpanch of Village Kaneriwadi, Taluka Karveer, District Kolhapur, and in which election, respondent No.1 be allowed to participate and vote. The said writ petition, however, was filed in October 2018, after lapse of almost one year from the date of elections.

5. As regards first relief in the writ petition, the High Court could have entertained the writ petition even in October, 2018 but we disapprove the manner in which the High Court entertained the second relief claimed by respondent No.1 in the garb of being consequential relief, which in effect was to challenge the election process, which had concluded almost one year back to the post of Up-Sarpanch of Village on 26.11.2017; that too, in writ jurisdiction under Article 226 of the Constitution of India.

6. By now, it is well established that the aggrieved party must resort to remedy of election dispute to question such election, which is provided by the statute and cannot take recourse to writ petition under Article 226 of the Constitution of India. This Court, as recently as 14.02.2020, restated the said position in *Laxmibai vs. The*

*Collector, Nanded & Ors. being Civil Appeal No.1622 of 2020* and connected cases. In other words, the High Court ought not to have entertained prayer clause (b) and (c) of the writ petition and that too after lapse of one year from the concluded election process held on 26.11.2017.

7. Accordingly, the impugned judgment and order is set aside to that limited extent while upholding the order of the High Court quashing notification dated 01.11.2017 but that would have no impact on the concluded elections held on 26.11.2017 to the post of Up-Sarpanch of village Kaneriwadi, Taluka Karveer, District Kolhapur.

8. The appeal is allowed in the above terms. Pending applications, if any, shall stand disposed of.

9. No order as to costs.

....., J.  
(A.M. KHANWILKAR)

....., J.  
(DINESH MAHESHWARI)

NEW DELHI  
FEBRUARY 27, 2020

ITEM NO.12

COURT NO.7

SECTION IX

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 669/2020

(Arising out of impugned final judgment and order dated 17-12-2019 in WP No. 14074/2018 passed by the High Court Of Judicature At Bombay)

AJIT SHASHIKANT MORE

Petitioner(s)

VERSUS

SHOBA SURESH KHOT &amp; ORS.

Respondent(s)

(FOR ADMISSION and I.R. )

Date : 27-02-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s) Mr. Amol Chitale, Adv.  
For Mrs. Pragya Baghel, AOR

For Respondent(s) Mr. Satyajit A. Desai, Adv.  
Mr. M.A. Arunsha, Adv.  
For Ms. Anagha S. Desai, AOR

Mr. Sachin Patil, AOR  
Mr. Aaditya A. Pande, Adv.  
Mr. Geo Joseph, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed in terms of the signed  
order.

(NEETU KHAJURIA)  
COURT MASTER

(VIDYA NEGI)  
COURT MASTER

(Signed order is placed on the file.)