



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2912 OF 2026

Alankar Balasaheb Kanchan & Anr.

....Petitioners

Versus

The State of Maharashtra & Anr.

....Respondents

**WITH
WRIT PETITION NO. 2926 OF 2026
WITH
WRIT PETITION NO. 3579 OF 2026
WITH
WRIT PETITION NO. 3580 OF 2026
WITH
WRIT PETITION (ST) NO. 7905 OF 2026**

Mr. Shrinivas Patwardhan i/b Harshwardhan Pawar a/w Advocate Padmasinh Patil, for Petitioners in Serial No.

Mr. Sachindra B. Shetye a/s. Mr. Suraj Chakor, Mr. Akshay Pansare, Advocate Nipun Sawane, for Respondents/State Election Committee.

Mr. Himanshu Patil a/w. Mr. Amit Avhad, Ms. Jagruti Nimbalkar, for Intervenor.

Dr. Milind Sathe, AG. Ms. Neha Bhide, GP, Ms. Deshmukh, AGP for Respondents/State.

Ms. Neeta Karnik (Senior Advocate) i/b. Mr. Piyush Todkar, for Respondent No. 6.

Dr. Milind Sathe, learned AG, Ms. Neha Bhide a/w Ms. M. P. Thakur, AGP for Respondent/State.

Mr. Sachindra B. Shetye a/s Mr. Suraj Chakor, Mr. Akshay Pansare & Mr. Nipun Sawane, for Respondent No. 3.

Mr. Atul Damle (Senior Advocate) a/w Mr. Chetan Nagore a/w. Mr. Prasad Avhad a/w. Advocate Esheta Lunkad, for Petitioner.

Mr. Sachindra B. Shetye a/s. Mr. Suraj Chakor, Mr. Akshay Pansare & Mr. Nipun Sawane, for Respondent No. 4.

Ms. N. S. Bobade, for Petitioner in WP No. 3579 of 2026.

Dr. Milind Sathe, AG., Ms. Neha Bhide, AGP, Ms. M. P. Thakur, for Respondent/State.

Mr. Sachindra B. Shetye a/s. Mr. Suraj Chakor, Mr. Akshay Pansare & Mr. Nipun Sawane, for Respondent No. 4.

Dr. Milind Sathe, AG., Ms. Neha Bhide, AGP.

Mr. P. P. Kakade, Addl. GP. a/w. Ms. P. N. Diwan, AGP for the State.

Mr. Rahul S. Kulkarni, for the Petitioner.

Mr. Avinash Fatangare i/b. Fatangare & Associates, for Petitioner in WP (St) No. 705 of 2026.

Mr. Sachindra B. Shetye a/w. Mr. Suraj Chakor, Mr. Akshay Pansare & Mr. Nipun Sawane, for Respondent No. 4.

**CORAM : RAVINDRA V. GHUGE &
ABHAY J. MANTRI, JJ.**

DATE : 18th MARCH, 2026

P.C. :-

1. Dr. Sathe, the learned Advocate General for the State of Maharashtra, is present in the Court Hall at the request of the Court, considering the series of Petitions being filed in an identical cause.

2. The learned Advocate General informs us that several matters have been filed at the Benches. Besides the Petitions filed at the Principal Seat, several Petitions have also been filed at the Benches at Nagpur, Aurangabad, and the Circuit Bench at Kolhapur.

3. The learned Government Pleader and the learned Additional Government Pleader submit that a praecipe is being moved before the Hon'ble The Chief Justice of the Bombay High Court to club all these matters to be taken up at the Principal Seat.

4. We have been shown certain ad-interim orders passed at the Aurangabad Bench and the Kolhapur Circuit Bench. We are informed that at several places, the Sarpanch is yet to take charge as Administrator. The learned Advocate General submits that if the Sarpanch is restrained from taking charge, either the Gram Panchayat would be practically headless, or the entire Panchayat may then have to operate the Gram Panchayat, which would be contrary to Article 243 (E) of the Constitution of India.

5. There is no dispute that such Gram Panchayats could number around 14,500 and the State Government has taken a decision to place the outgoing Sarpanch in the position of Administrator after the term of Sarpanch has expired.

6. In the peculiar facts and circumstances of such cases, we permit the Sarpanch, who has been specifically issued with an

order to occupy the position of Administrator, to take charge. This would not create any equities in favour of such Sarpanch, nor shall it be a ground to non-suit the Petitioners.

7. We, however, clarify that no policy decision shall be taken by the Sarpanch in his capacity as an Administrator. Major expenditure shall be restrained, and such Administrator shall incur expenditure only on minor heads as a part of the routine day-to-day administration, including payment of salaries of employees and making statutory payments towards water, electricity, and other essential services.

8. The State shall file its Affidavit-in-Reply on or before **27th March 2026**.

9. By consent of all the parties, all these matters be listed on **7th April 2026**, at 3:00 pm.

10. The learned Advocates for the Petitioners submit that all of them would assist the learned Senior Advocate, Mr. Damle, who would make submissions on behalf of the Petitioners and

tender short written notes of submissions, along with case law, duly indexed and paginated.

11. We are assured that, on behalf of all the Respondents, including the private Respondents supporting the State Government's decision, the learned Advocate General or any lawyer deputed by him would address the Court on behalf of the Respondents.

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)