

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 1891 of 2026**

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RAWAT SOHILBHAI PRAVEENBHAI
Versus
NINAMA SARTANBHAI KANJIBHAI & ORS.

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Appearance:
MR SHUBHAM JHAJHARIA(10231) for the Petitioner(s) No. 1
GOVERNMENT PLEADER for the Respondent(s) No. 5,6
HL PATEL ADVOCATES(2034) for the Respondent(s) No. 1,2
MR. NISARG N JAIN(8807) for the Respondent(s) No. 4
NOTICE SERVED BY DS for the Respondent(s) No. 3

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CORAM:**HONOURABLE MR. JUSTICE BHARGAV D. KARIA**
and
HONOURABLE MR.JUSTICE L. S. PIRZADA

Date : 23/02/2026
ORAL ORDER

(PER : HONOURABLE MR. JUSTICE BHARGAV D. KARIA)

1. Heard learned advocate Ms.Kruti M. Shah appearing for learned advocate Mr.Shubham Jhajharia for the petitioner, learned advocate Mr.Maharshi Patel for respondent Nos.1 and 2, learned advocate Mr.Nisrag N. Jain for respondent No.4 and learned Assistant Government Pleader Ms.Krishna Desai for respondent Nos.5 and 6.

2. Learned advocate Ms. Kruti Shah for the petitioner has tendered a draft amendment. The same is allowed in terms of the draft. To be carried out forthwith.
3. By this petition under Article 226 of the Constitution of India, the petitioner has prayed for the following reliefs:

"(A) admit and allow this petition;

(B) issue appropriate writ, order or direction for quashing and setting aside the order below Exhibit 1 dtd. 05/02/2026 passed by Ld. Principal Senior Civil Judge, Limkheda, Dahod as Election Tribunal in Election petition No. 1 of 2025 (Annexure A hereto);

(C) pending admission hearing and final disposal of this petition, stay the implementation and operation of the order below Exhibit 1 dtd. 05/02/2026 passed by Ld. Principal Senior Civil Judge, Limkheda, Dahod as Election

Tribunal in Election petition No. 1 of 2025 (Annexure - A hereto);

(D) Grant such other and further relief/s as thought fit in the interest of justice."

4. After hearing the parties at length and considering the affidavits filed on behalf of respondent Nos. 1,2 and 4, this petition raises an interesting question to be considered by this Court as to whether in the proceedings under section 31 of the Gujarat Panchayats Act, 1993 ['the Act' for short] and the Gujarat Panchayat Elections Rules, 1994, the learned Principal Senior Civil Judge, while conducting the inquiry under sub-section (3) of section 31 of the Act could have passed an interim order for recounting of

votes for the post of Sarpanch in an election petition filed by respondent Nos. 1 and 2 or not?

5. Hence, Issue Rule returnable on 06.04.2026.
6. The petitioner is an elected Sarpanch in election held on 22.06.2025 of Village Panchayat Padaliya, Taluka:- Limkheda, District-Dahod.
7. Respondent Nos. 1 and 2 preferred Election Petition No. 1 of 2025.
8. It is brought to our notice by learned advocate for respondent No.4 that Court Commissioner is going to recount the votes as per the impugned order.

9. We are of the opinion that the petitioner has made out a very good prima facie case because in the facts of the case, the reasons assigned by the learned Judge to order for recount of votes are prima facie not tenable as well as if the recount of votes is undertaken, the entire petition would become infructuous.

10. In view of the above, by way of interim relief, execution and implementation of the impugned order dated 05.02.2026 is hereby stayed till final disposal of the petition.

Direct service today is permitted.

(BHARGAV D. KARIA, J)

(L. S. PIRZADA, J)

JYOTI V. JANI