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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.8773 OF 2015

Pushpa Babasaheb Rathod & ors. ..PETITIONERS

VERSUS

Urmila Hanumant Jagtap & ors. ..RESPONDENTS

Mr P.D. Suryawanshi, Advocate for petitioners;
Mr R.V. Dasalkar, A.G.P. for respondents no.3 & 4

CORAM : N.W. SAMBRE, J.
DATE : 2nd December, 2015

ORAL ORDER :

The Village Panchayat, Bhawanwadi, Taluka & Dist. Beed, consists of seven members, out of which five members supported 'no confidence motion', which was subject-matter of challenge before the Additional Collector, who has dismissed the Dispute, on the ground that the motion was not passed by more than 3/4th strength of the elected members of the Village Panchayat.

2. Learned Counsel appearing on behalf of the petitioners, while trying to make out a case for setting aside the order impugned and for seeking declaration that the motion is passed, would urge that the scheme as contemplated under sub-section 3 of section 35 of the Maharashtra Village Panchayats Act, 1958, contemplates rounding off the fraction to the next number; in sense, in the present case, the rounding off has to be .5, the fraction being less than .5.

3. The above referred submission, in my opinion, does not find any place in law, as the language employed in the said section is amply clear, that the motion is required to be passed by more than 3/4th strength of the members of the Village Panchayat.

(2)

4. The issue is already covered by the judgment dated 4th March, 2015, rendered by this Court, in Writ Petition No.2070 of 2015 (Sangita Bhaskar Ingale vs. The State of Mah. & ors.). Thus, no case for interference is made out. Petition fails and stands dismissed, with no order as to costs.

(N.W. SAMBRE, J.)

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