

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

WRIT PETITION NO. 10636 OF 2015

**EKNATH KONDIBA SULE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Advocate for Petitioner : Jadhav N.L.
AGP for Respondents: Mr.B.A.Shinde
Advocate for Respondents : Undre Vikram S For R/4 To 7

**CORAM : N.W.SAMBRE,J.
DATED : 16TH DECEMBER,2015**

PER COURT :-

The petitioner Sarpanch of the village suffered No Confidence Motion having total sanctioned strength of seven elected members.

2] One of the members viz. Rohidas who joined police department has tendered resignation.

3] Based on the said issue, the learned counsel for the petitioner Shri Jadhav would strenuously urge that the motion ought not to have been considered as passed. The objection posed to the special meeting is that of the total seven members only five participated in the motion and four of them supported the motion. He would then urge that the required majority of passing of No Confidence Motion i.e. 2/3rd of the total strength has not supported the motion and as such, the Collector has wrongly dismissed the dispute raised by him.

4] It is not in dispute that the member Rohidas has resigned and has joined the police department.

5] On the date of moving of motion, said Rohidas was not a member. His resignation though is disputed by the petitioner, however, the fact remains that the said Rohidas has not raised any dispute as provided u/s 29 of the Bombay Village Panchayats Act in the matter of acceptance of his resignation. In view thereof, in my opinion, the Presiding Officer has not committed any error in considering strength to the extent of six. If the strength was considered to the extent of six, the four members have voted in favour of the motion and as such the motion was supported by majority of 2/3rd.

6] In my opinion, no illegality can be noticed. Petition fails and is dismissed.

(N.W.SAMBRE,J.)

umg/