

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

WRIT PETITION (STAMP) NO.19731 OF 2015

Shri. Babasaheb Vishnu Jagdale

.. Petitioner

Versus

State of Maharashtra and others

.. Respondents

Mr. U. R. Mankapure, for the Petitioner.

Ms. M. S. Bane, "B" Panel Counsel for the Respondent Nos.2 & 3.

CORAM : R.M. SAVANT, J.

DATE : 29th JULY, 2015

PC.

1. The Writ Jurisdiction of this Court is invoked against the order dated 10.07.2015 passed by the Additional Collector, Sangli, by which order the dispute application filed by the Petitioner questioning the no confidence motion passed against him came to be rejected. The Petitioner was the Sarpanch of the Gram Panchayat Kargani, Taluka Atpadi, District Sangli. A meeting was requisitioned by the Tahsildar pursuant to a requisition addressed by 10 members of the Gram Panchayat for passing a no confidence motion against the Petitioner on the four grounds mentioned in the requisition. The meeting was accordingly convened by the Tahsildar on 27.02.2015. In the said meeting the motion of no confidence came to be passed against the Petitioner by majority of

10/0 as five members of the Gram Panchayat remained absent. The passing of the said resolution was challenged by the Petitioner by raising the dispute before the Additional Collector in terms of Section 35(3)(b) of the Maharashtra Village Panchayat Act. In the said dispute, the Petitioner questioned the presence of three persons in the meeting on the ground that though they were not present in the said meeting, they are shown as present and their signatures below the resolution of no confidence were therefore bogus. The Additional Collector did not accept the said ground of challenge as the Additional Collector was of the view that he could not in a dispute application decide the genuineness or otherwise of the signatures. The Additional Collector observed that the minutes indicate that the 10 members of the Gram Panchayat were present in the requisition meeting and the resolution being passed by all of them unanimously, the Petitioner would have to vacate his chair and accordingly rejected the dispute application.

2. The Learned Counsel for the Petitioner in the present Petition also sought to reiterate the case of the Petitioner before the Additional Collector in the matter of questioning the signatures of three persons below the extract of the resolution of the no confidence motion. The said three persons were Radhabai Gangaram Sargar, Indumati Vitthal Khilari and Ranjana Kodiba Khilari. The Learned Counsel sought to attract this

Court's attention to the alleged discrepancy in the signatures of the said three persons as compared to the signatures on some other documents. In my view, it is not possible to accept the said contention. It is required to be noted that the Petitioner does not rely upon any other corroborative evidence in support of the fact that the said members were not present in the meeting. The Petitioner wants to prove the absence of the said members by comparing the signatures with their signatures on some other documents. In the said context, the order passed by the Additional Collector refusing to enter into the said enquiry cannot be faulted with. Since the motion of no confidence is passed against the Petitioner by 10 members who were present in the meeting unanimously, the order passed by the Additional Collector does not merit any interdiction in the Writ Jurisdiction of this Court under Article 227 of the Constitution of India. The Writ Petition is accordingly dismissed.

[R.M. SAVANT, J]