

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1133 OF 2014

Shri. Bhimashankar R. Ahirekar .. Petitioner

vs.
The State of Maharashtra & ors. .. Respondents

Mr. P.D. Dalvi i/b Tushar Pimple for the Petitioner.
Mr. A.D. Kango, AGP for Respondent Nos.1 to 3.

CORAM : M. S. SONAK, J.
DATE : 09 FEBRUARY , 2015

P.C. :-

1] This petition is directed against the order dated 31 October 2013, made by the Additional Collector, Satara dismissing the petitioner's appeal against the passage of motion of no confidence on 6 July 2013.

2] Mr. Dalvi, learned counsel for the petitioner urged that if the minutes of the meeting held on 6 July 2013 are perused, then it is quite clear that there was no voting as such on the motion of no confidence. The minutes only records that Tahasildar explained to the members present that the voting was to be by raising of hands. Thereafter names of nine members have been recorded and two members have been recorded to be absent. There is no mention in the minutes that any voting as such, actually took place.

3] Mr. Dalvi also pointed out that the minutes of meeting dated 6 July 2013, placed by the petitioner on record at Exhibit-C to the petition are typed copy of the minutes handwritten by the Tahasildar. The original handwritten minutes were called for by this Court and upon comparison, Mr. Dalvi points out, that the same were found to be tallying copy.

4] Having heard learned counsel for the petitioner and perusing the record, in my judgment, there is no reason to interfere with the impugned order made by the Additional Collector. The minutes of the meeting dated 6 July 2013, even though the same may be accurate version of the handwritten, have to be read in their entirety. It is true that the minutes could have been recorded in better manner. However, upon over all consideration to the minutes, it is clear that nine members voted in favour of the motion of no confidence, that is against the petitioner. The concluding part of the minutes clearly records that the motion of no confidence was passed against the petitioner. In the matters of such nature, it is neither possible nor advisable to go on basis of such hyper-technicalities. If there is no serious dispute that nine out of thirteen members of the Panchayat have voted against the petitioner, then there is no question of interfering with such democratic process.

This is not a case where any breach of statutory provisions has been pointed out.

5] Accordingly, the present petition is dismissed. There shall be no order as to costs. The interim orders, if any, to stand vacated.

(M. S. SONAK, J.)

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