

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1139 OF 2015

|                             |    |             |
|-----------------------------|----|-------------|
| Sou. Shobha Dada Kare       | .. | Petitioner  |
| VS.                         |    |             |
| Ramdas Sambhaji Kare & Ors. | .. | Respondents |

Mr. Sandeep Salunkhe for Petitioner.  
Mr. Rahul Kate for Respondent Nos. 1, 2, 3 and 5 to 9.  
Ms Gauri Rao – AGP for Respondent Nos. 12 and 13.

**CORAM : M. S. SONAK, J.**  
**DATE : 03 FEBRUARY, 2015**

**P.C. :-**

1] This petition is directed against the order dated 16 January 2015 made by the Additional Collector, Pune, dismissing the petitioner's appeal against the passage of no confidence motion against her on 25 November 2014.

2] The records disclose that the no confidence motion was passed by 10 members, out of the total 11 members. The 11<sup>th</sup> member being the petitioner herself.

3] The learned counsel for the petitioner submits that the petitioner was not served with any notice of the meeting dated 25 November 2014, in which the no confidence motion was passed. He

relies upon the decision of this Court in the case of *Indubai Vedu Khairnar vs. State of Maharashtra & Ors.*<sup>1</sup>, which holds that service of such notice is mandatory and without such notice the motion could not be passed in the specially convened meeting. For all these reasons, the learned counsel submits that the impugned order made by the Collector has to be set aside.

4] If the appeal preferred by the petitioner before the Collector is perused, then it is clear that the petitioner has not raised any grievance about non service of notice with regard to the meeting dated 25 November 2014. The only grievance of the petitioner is that on account of some personal and private reasons, she could not attend the meeting scheduled for 25 November 2014, and there has been a breach of principles of natural justice. In this view of the matter, the Additional Collector was not even required to go into the issue as to whether there was any non service of notice upon the petitioner or not. The decision of this Court in the case of *Indubai Khairnar* (supra) is also distinguishable on this score. The decision holds that notice is mandatory. However, in the present case, it is not even the complaint of the petitioner that no such notice was served upon her.

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1 2003 (2) Bom. C.R. 239

5] That apart, the Additional Collector has rightly held that there are several circumstances which establish that such notice was given to the petitioner. One of the circumstance is that out of the 11 members of the Panchayat, 10 members were present and voted against the petitioner by expressing want of confidence in her. Accordingly, this petition is entirely misconceived and deserves to be dismissed. The same is dismissed.

**(M. S. SONAK, J.)**

Chandka