

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 3904 OF 2015

Rajani Sanjay Gopale Vs. State of Maharashtra thr Additional Collector Wardha & Ors.

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Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri Mahesh Rai Adv for petitioner.
Shri S. D. Chopde Adv for respondent nos. 4 to
11.

CORAM: A.S.CHANDURKAR J.

DATED: 23rd NOVEMBER, 2015.

Challenge in the present writ petition is to the adjudication by the respondent no. 1 in the appeal preferred by the petitioner challenging the motion of no confidence.

Shri Mahesh Rai, learned counsel for the petitioner submitted that requirements of Rule 17 of the Bombay Village Panchayats (Meetings) Rules, 1959 were mandatory and same were not followed while passing the motion of no confidence. It was submitted that motion was neither proposed nor seconded. Hence, it is submitted that passing of the motion was contrary to law.

Shri S. D. Chopde, learned counsel for the respondent nos. 4 to 11 submitted that said question has been decided by the Full Bench of this Court in the case of *Tatyasaheb Ramchandra Kale Vs. Navnath Tukaram Kakde and others* 2014(6) *Maharashtra Law Journal* 804. He states that the aspect of proposing and seconding of motion of no confidence is held to be directory. Considering the law as laid down in *Tatyasaheb* (supra) it cannot be said that in absence of there being any proposer of the motion and the same not being seconded, it had an effect of rendering the motion invalid. The case is covered by aforesaid law as laid down. Hence, there is no reason to interfere in the writ petition. Writ Petition is dismissed. No costs.

JUDGE

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