

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO.3953 OF 2014

(Vishwanath s/o Janardhan Dhondage and others ..vs.. Uddhavrao s/o Parashram Dhondage and others)

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 31-08-2015

Heard Shri A.J. Thakkar, learned Advocate for the petitioners, Shri A.R. Chutake, learned Advocate for the respondent No.1 and Smt. A.R. Taiwade, learned Assistant Government Pleader for the respondent No.3.

2. The petitioners have challenged the order passed by the Additional Collector, under Section 35(3-B) of the Maharashtra Village Panchayats Act, allowing the application filed by the respondent No.1 and quashing the resolution of no confidence motion against the respondent No.1, passed in the meeting of the Gram-Panchayat held on 27-12-2013.

3. The case of the petitioners is that the Gram-Panchayat is not having any office and therefore, the meetings of the Gram-Panchayat are held in the Zilla Parishad Primary School, Kambarkhed. It is submitted that the meeting of the Gram-Panchayat was held on 27-12-2013 in the Zilla Parishad Primay School, Kambarkhed and no confidence motion was passed

against the respondent No.1 by the majority of 6 : 0.

4. The submission on behalf of the respondent No.1 is that the notice issued by the authority convening the meeting on 27-12-2013 stated that the meeting would be held at the office of the Gram-Panchayat, however, the meeting was not held at the office of the Gram-Panchayat and therefore, the respondent No.1 could not attend the meeting and it has resulted in depriving the respondent No.1, the opportunity to defend.

5. After hearing the learned Advocates for the respective parties and examining the documents filed on the record of the petition, I find that the respondent No.1 has not been able to show that the meetings of the Gram-Panchayat were not held at the Zilla Parishad Primary School, Kambarkhed but were held at some other place/places. The finding recorded by the learned Additional Collector are not in consonance with the facts on the record. The learned Advocates for the respective parties submit that the term of office of the respondent No.1 is over. In these facts, in my view, nothing survives in the writ petition.

6. The writ petition is disposed accordingly. In the circumstances, the parties to bear their own costs.

JUDGE