

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

11 WRIT PETITION NO. 9657 OF 2016

DEEPAK MANIK GANGURDE  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

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Shri. Deepak D. Choudhari, Advocate, for petitioner.

Shri. S.R. Yadav, Assistant Government Pleader, for  
respondent Nos.1 to 3.

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**CORAM: T.V. NALAWADE, J.**

**DATE : 22 SEPTEMBER 2016**

**ORDER:**

1) The petition is filed to challenge the decision given by the learned Additional Collector, Ahmednagar, in Village Panchayat Dispute No.58/2016. The dispute filed by the present petitioner against the resolution of no confidence is dismissed by the Additional Collector. Heard learned counsel for the petitioner.

2) The petitioner was working as Sarpanch of village Kombhli, Tahsil Karjat, District Ahmednagar. There are 9 members in the village panchayat. On 22-6-2016 six

members gave requisition to the Tahsildar for calling special meeting as they wanted to move no confidence motion against the present petitioner. On the next date i.e. on 23-6-2016 the Tahsildar made order and called the meeting on 29-6-2016 at 2.00 p.m. in the office of the village panchayat. The notice of the meeting was served on adult member of the family of the petitioner. Present petitioner preferred to remain away from the place of the meeting. In all three members were absent. The meeting was held in presence of the Tahsildar. The motion was moved and there was discussion on the motion. The grounds for moving the motion were mentioned in the requisition and they were discussed and the resolution was passed unanimously by six members.

3) It appears that before the Additional Collector it was contended that one member had incurred disqualification as the member did not produce caste validity certificate within prescribed period and so the said member was not entitled to vote in the aforesaid special meeting. The Collector has addressed this point. It appears that separate proceeding which was filed by the

present petitioner against the said member, Smt. Gadekar came to be rejected on 7-9-2016. Thus, on the date of the meeting there was no such disqualification. Further, the Collector is required to declare that the member has incurred such disqualification in view of the procedure given in section 10-1A of the Maharashtra Village Panchayats Act, 1958. In view of these circumstances, this Court holds that there is no possibility of interference in the order made by the Collector and the resolution of no confidence cannot be set aside.

4) The learned counsel for the petitioner placed reliance on the case reported as **2009 (5) ALL MR 929** Bombay High Court (Nagpur Bench) (**Sau Gita v. State of Maharashtra**) . Some observations are there with regard to the disqualification. In view of the facts of the present case the observations made by this Court in the reported case are of no use to the petitioner. In the result, the petition stands dismissed.

Sd/-  
(**T.V. NALAWADE, J. )**

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