

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

WRIT PETITION NO. 9681 OF 2016

Aashabai Nilkanth Khedkar

..PETITIONER

VERSUS

The Additional Collector, Beed and Others

..RESPONDENTS

....

Mr. Shrikant Kulkarni, Advocate h/f J.P. Legal Associates, for petitioner.
Mr. S.N. Kendre, A.G.P. for Respondent Nos.1 and 2.

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**CORAM : T.V. NALAWADE, J.
DATED : 21st SEPTEMBER, 2016**

ORDER :

1. The petition is filed to challenge the order made by the learned Additional Collector on the application filed by present petitioner / Sarpanch in Election Application No. 18 of 2016 to challenge the resolution of no confidence passed against her. The application was moved by the present petitioner for sending the proceeding for minutes of meeting in which no confidence motion was passed to expert for comparison with admitted thumb impressions and signatures. This application was opposed by the other side. The Collector rejected the application.

2. The learned Counsel for petitioner submitted that the Collector had formed opinion that he had no power to send the thumb impressions and signatures to expert for comparison in such manner and this reason cannot sustain in law in view of nature of enquiry.

3. It appears that it is the grievance of the present petitioner – lady sarpanch that the notice of requisition given by the members was not legal as it was not sent by requisite number of members. It is the contention that at the time of voting, the members did not cast the vote but the respective husbands of the members were present and they had voted in support of the resolution of no confidence. The other grievance is that there are in all eight thumb impressions and signatures on the minutes of meeting when the total strength of the members of village panchayat is seven.

4. Reply is filed by the members and they denied the aforesaid contentions. As per the record, six members voted in support of no confidence motion and so the resolution came to be passed. The present petitioner participated in the meeting, she voted against the motion and she signed on the minutes of the meeting to show that she had attended the meeting. This Court is avoiding to go into the merits of the matter as

it is the learned Collector to take decision on the grievance raised in the dispute by the present petitioner. In any case, it can be said that all the members are firm against the petitioner and they have filed the say to the dispute which is contested as the resolution passed by them. It is clear that only to protract the decision of the matter the present petitioner playing such tactics. It is not necessary to send the report to expert.

5. This Court holds that it is not possible to interfere in the order made by the Collector. In that result, petition stands dismissed.

(T.V. NALAWADE, J.)

SSD