

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

908 WRIT PETITION NO. 10405 OF 2016

RUKMINIBAI PARASARAM RATHOD
VERSUS
THE ADDITIONAL COLLECTOR NANDED AND OTHERS

Shri. Ashish B. Shinde, Advocate, for petitioner.

Shri. A.P. Basarkar, Assistant Government Pleader, for
respondent Nos.1 and 2.

CORAM: T.V. NALAWADE, J.

DATE : 15 OCTOBER 2016

ORDER:

1) The petition is filed to challenge the order made by the learned Additional Collector Nanded in proceeding bearing No.132/2016. The proceeding was filed by the present petitioner to challenge the resolution of no confidence passed against her in Village Panchayat Tembhi/Raipur Tanda, Tahsil Kinwat. Heard learned counsel for the petitioner.

2) The submissions made and the record show that requisition was given by 7 members of the village

panchayat when the village panchayat consists of 9 members. Requisition was given on 27th June 2016 and the Tahsildar called the meeting on 4th July 2016. In the meeting the procedure was followed and the resolution was passed by majority of 7 versus 2. The petitioner, Sarpanch against whom the motion was moved attended the meeting and also participated in the discussion.

3) It was submitted for the petitioner that the meeting was called after 7 days from the date of requisition and so the meeting itself was not legal. This submission is not acceptable. When requisition was given on 27th June, 2016, the first date of requisition needs to be excluded from the 7 days. Thus, the meeting was held on 7th day, within the prescribed period and there is no force in this submission.

4) The other submission is that, the proceeding for disqualification was started by the petitioner against respondent Nos.6 to 9 but they were allowed to vote in the meeting. It was submitted that as these respondents can be disqualified on the ground mentioned in the proceeding

filed against them, the authority ought not to have allowed them to vote. The ground is non attendance of the village panchayat meetings. In view of provision of section 16(2) of the Maharashtra Village Panchayat Act 1958 it can be said that these persons could not have been prevented from voting in the meeting in which the motion of no confidence was moved. In view of these circumstances this Court holds that it is not necessary to issue notice to the other side. The petition stands dismissed.

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

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