

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.10591 OF 2012

**Haridatta S/o Narayanrao Hake Vs. The State of Maharashtra
and others.**

**WITH
WRIT PETITION NO.10754 OF 2012**

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

Mr.G.N.Chincholkar, advocate for the petitioner in both Writ Petitions.

Mr.S.S.Dande, A.G.P. for the State.

Mr.P.B.Rakhunde, advocate for Respondent Nos.3 to 10,12, 13, 14,16 and 17 in W.P.No.10754/12.

CORAM : S.V.GANGAPURWALA, J.

Date : 28.04.2016.

PER COURT :

1. Heard.
2. No Confidence motion passed against the present petitioners who were Sarpanch and Up-Sarpanch is assailed. Mr.Chincholkar, learned counsel for the petitioners states that the Grampanchayat consist of nine members. Seven members were present at the time of passing No Confidence motion. Out of that three members were elected from the reserved category. They did not produce the validity certificate within the stipulated period of six (6) months as per the undertaking given by them. As such they were not qualified

to vote in the said meeting. According to the learned counsel, the said issue i.e. non-submission of validity within six months would disqualify the said person is pending with the larger Bench of this Court.

3. We have heard learned A.G.P. also.

4. In fact, the issue involved in the present Writ Petitions now has remained academic. The term of the members elected in the year 2010 has by now come to an end. New body has come into existence.

5. Even if on merits, the contention of Mr.Chincholkar, learned counsel is accepted, still, that would not be favourable to the petitioners. There were total 7 members who were present. Out of seven members, six members voted against the petitioner. So even if three members votes are not considered then there would be only four members who were present and whose votes would be counted. Out of four, three have voted against the petitioner. The motion would be deemed to have been passed by 2/3rd majority.

6. In light of that, the Writ Petitions stand dismissed. No costs.

(S . V . GANGAPURWALA, J .)

Dt.28.04.2016.
asp/office/wp10591.12

