

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

**WRIT PETITION NO. 10781 OF 2016**

Sahebrao Ramrao Pandav

..PETITIONER

VERSUS

The Additional Collector, Aurangabad  
and Others

..RESPONDENTS

....

Mr. S.K. Chavan, Advocate h/f Mr. A.R. Vyawahare, Advocate for  
petitioner.  
Mr. A.P. Basarkar, A.G.P. for State.

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**CORAM : T.V. NALAWADE, J.  
DATED : 21<sup>st</sup> OCTOBER, 2016**

**ORDER :**

1. The petition is filed to challenge the order made by the Additional Collector in the challenge filed against the resolution passed of no confidence. Heard learned Counsel for petitioner.
2. The petitioner was sarpanch of village Verul, Tahasil Khultabad, District Aurangabad. The village panchayat consists of fifteen members. Ten members had given requisition to call notice for moving no confidence motion. This meeting was called after following due procedure by the Tahasildar. In the meeting, the motion was moved and it was discussed. The motion was passed with majority of 10 versus 5.

3. The grievance of the petitioner is that he had already started proceeding for disqualification of three members from ten members who had voted against him and those three voters should not be allowed to vote in the election. This is the only grievance of the petitioner. In view of the provisions of Section 16(2) of the Maharashtra Village Panchayats Act, 1958, even if the disqualification proceeding is pending, the Collector is not expected to prevent the member from continuing to be the member and exercising his rights. Thus there is no force in the contention. It appears that the petitioner had filed the appeal proceeding but he did not turned up. Thus there is no possibility of interfering in the order made by the Collector. In the result, petition stands dismissed.

**( T.V. NALAWADE, J. )**

SSD