

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

905 WRIT PETITION NO. 11372 OF 2016

AASHABAI NILKANTH KHEDKAR
VERSUS
THE ADDITIONAL COLLECTOR BEED AND OTHERS

...
Advocate for Petitioner : Patunkar Swapnil S
AGP for Respondent/State : R.B. Bagul
Advocate for Respondents 3 to 7: M.S. Karad
...

CORAM : T.V. NALAWADE, J.
DATED : 2nd December, 2016.

ORDER :

1. The petition is filed to challenge the order made by the learned Additional Collector, Beed in proceeding No.2016/GB/Desk/2/Gr.Pa.Ni./A/Ka/202/CR/18 which came to be decided on 18.10.2016. Both the sides are heard.

2. Petitioner was Sarpanch of village Sangvi, Tahsil Ashti, District Beed. There are seven members in Village Panchayat. Six members gave requisition to Tahsildar on 6.5.2016 and Tahsildar called meeting on 12.5.2016. Meeting dated 12.5.2016 was held in presence of seven members of Village Panchayat. In the meeting, resolution of No Confidence was moved against the present petitioner and it was passed by the majority of 6 vs. 1.

3. The learned counsel for petitioner submitted that in the proceeding book, one member has put thumb impression two times and so, it can be said that there were more than seven members in the meeting of Village Panchayat. This Court has gone through the relevant record. There is no force at all in this submission.

4. The learned counsel for petitioner submitted that atleast two lady members like Sushala and Latabai did not attend the meeting, but their respective husbands were present in the meeting and they signed on the proceeding and so, the meeting itself was illegal and the resolution cannot be used against the petitioner. The submission made shows that neither of these two members have grievance in respect of the signatures. When the dispute proceeding was filed by the present petitioner before the Collector, there were also no members, who changed the side and supported the present petitioner.

5. The learned counsel for petitioner argued on the right given by section 35 of the Village Panchayats Act, 1959 and submitted that opportunity was not given to the petitioner to put

up her case before the members. This Court has carefully gone through the minutes of the meeting and they show that the motion was moved and then, there was discussion on motion and Sarpanch had given written application for giving opportunity to have her say and accordingly, opportunity was given. This meeting was conducted under the supervision of Tahsildar. This Court holds that there is no reason to have doubt about the proceeding conducted before the Tahsildar. The resolution was passed with requisite majority. In view of these circumstances, this Court holds that it is not possible to interfere in the order made by the learned Additional Collector. In the result, the petition stands dismissed.

[T.V. NALAWADE, J.]

ssc/