

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

8 WRIT PETITION NO. 12512 OF 2016

SHANTABAI NANA MORE
VERSUS
THE DISTRICT COLLECTOR JALNA AND OTHERS

Shri. S.G. Magre, Advocate, for petitioner.

Shri. R.B. Bagul, Assistant Government Pleader, for
respondent Nos.1 and 2.

CORAM: T.V. NALAWADE, J.

DATE : 19 DECEMBER 2016

ORDER:

1) The petition is filed to challenge the decision given in appeal filed by the present petitioner before the learned Additional Collector, Jalna in Dispute Application No.2016/GB/VPE/CR-76. The proceeding was filed by the petitioner to challenge the resolution of no confidence passed against her. Heard learned counsel for the petitioner.

2) In Village Panchayat Nanja-Kshirsagar-Nanjawadi, Tahsil Bhokardan, there are 9 members. 7

members gave requisition on 9th June 2016 to the Tahsildar to call special meeting of the village panchyat as they wanted to move no confidence motion. The meeting was called and held on 14th June 2016. Present petitioner, Sarpanch, attended the meeting and all the remaining members also attended the meeting. The resolution of no confidence was passed by majority of 7 versus 2.

3) It is the contention of the present petitioner that opportunity to have her say was not given during discussion in the meeting when the motion was moved and so the resolution needs to be set aside. Learned counsel also submitted that apparently signatures of some members appearing on the minutes book of the Village Panchayat are forged and so on that ground also the resolution needs to be set aside.

4) The aforesaid contentions are not acceptable. Copy of the minutes of the meeting is on the record and it shows that proper procedure was followed. The resolution was put up before the Village Panchayat by the members and the members had signed the resolution. There is

mention that discussion took place on the resolution. The minutes show that all the members including present petitioner participated in the discussion and after that the motion was put to vote. Voting was by raising hands and the resolution was passed by aforesaid majority. The meeting was held under the supervision of the Tahsildar. The present petitioner signed on the minutes of the meeting on both occasions when the meeting started and also after passing of the resolution. In view of these circumstances it cannot be believed that some members were not present and their signatures are forged. Further, it appears that when the proceeding was filed by the present petitioner before the Additional Collector, nobody came forward in her support and nobody filed affidavit in support of this contention. In view of these circumstances it is not possible to interfere in the order made by the learned Additional Collector. In the result, the petition stands dismissed.

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

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