

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

905 WRIT PETITION NO. 304 OF 2016

CHANDPASHA AMIRSAB ANSARI
VERSUS
BHALCHANDRA BHAGWAN PATIL AND OTHERS

Shri. M.H. Shaikh, Advocate, holding for Shri. Sachin S. Deshmukh, Advocate, for petitioner.

S.S. Patil, Advocate, for respondent No.1

Shri. H.V. Patil, Advocate, for respondent No.2.

Shri. A.P. Basarkar, Assistant Government Pleader, for respondent No.5.

CORAM: T.V. NALAWADE, J.

DATE : 18 NOVEMBER 2016

ORDER:

1) The petition is filed to challenge the order made by the learned Additional Collector Latur in Application No.6/2015. Both the sides are heard.

2) Present petitioner had filed application against the Sarpanch and others under the provisions of section 7 and 14 of the Maharashtra Village Panchayats Act 1958 for removal of the Sarpanch under section 7 and the

allegation was also made that the Sarpanch had interest in the contracts, work given by the village panchayat. During the proceeding ground under section 14 was waived and the ground under section 7(1) of the Act was only pressed.

3) Allegation was made that gram sabhas were not held from 26-1-2013 to 10-12-2013 and so the Sarpanch was liable to be removed. During hearing of the proceeding, the Sarpanch produced record of all the Gram Sabhas and the Collector held on the basis of the record that all the Gram Sabhas and also monthly meetings were called and held.

4) Learned counsel for the petitioner submitted that the Collector has not considered the affidavit filed by the peon of the village panchayat which is to the effect that he had never pasted the notice of Gram Sabha on any place and no Gram Sabha was held. Learned counsel placed reliance on affidavits filed by one member of the Gram Sabha and also a member of the village panchayat to the same effect. However, the member of the village

panchayat had admitted that her signature was obtained on the record of the meeting and even the member of the Gram Sabha has admitted that his signatures were obtained on the record of the Gram Sabha. Though they have contended that the signatures were obtained by deceiving them, the matter involves subjective satisfaction of the Collector. As the Collector has held that the record is sufficient to prove that necessary number of Gram Sabhas were held, this Court sees no reason to interfere in the order made by the Collector. In the result, the petition stands dismissed.

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

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